

By

*Joan J. Harris*  
*Mary*  
*Burke*

S.B. No. 440

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of speech pathologists and audiologists; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. PURPOSE. It is the policy of this state that, in order to safeguard the public health, safety, and welfare and to protect the public from unprofessional conduct by speech pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

Sec. 2. DEFINITIONS. In this Act:

(1) "Committee" means the State Committee of Examiners for Speech Pathology and Audiology.

(2) "Person" means an individual, corporation, partnership, or other legal entity.

(3) (A) "Speech Pathologist" means an individual who practices speech pathology, who evaluates, examines, counsels, or provides habilitative or rehabilitative services for persons who have or are suspected of having speech, voice, or language disorders, and who meets the qualifications set forth in this Act.

(B) A person "represents himself to be a speech pathologist" when he holds himself out to the public by a title or description of services incorporating the words "speech pathology," "speech pathologist," "speech therapy," "speech therapist," "speech

1 correction," "speech correctionist," "speech and hearing therapy,"  
2 "speech and hearing therapist," "speech and hearing specialist,"  
3 "speech and hearing clinician," "language therapy," "language  
4 therapist," "voice pathology," "voice pathologist," "voice  
5 therapy," "voice therapist," "logopedics," "logopedist,"  
6 "communicology," "communicologist," "aphasiologist," "phoniatrist,"  
7 "speech clinician," "speech clinic," "speech center," or similar or  
8 related term or terms, titles, or description of services.

9 (4) "The practice of speech pathology" means the application  
10 of principles, methods, and procedures for the measurement,  
11 testing, evaluation, prediction, counseling, habilitation,  
12 rehabilitation, or instruction related to the development and  
13 disorders of speech, voice, or language for the purpose of  
14 rendering or offering to render an evaluation, prevention, or  
15 modification of these disorders and conditions in individuals or  
16 groups of individuals. The speech pathologist may perform the  
17 basic audiometric screening tests and hearing therapy procedures  
18 consistent with his training.

19 (5) (A) "Audiologist" means a person who practices  
20 audiology, who evaluates, examines, counsels, or provides  
21 habilitative or rehabilitative services for persons who have or are  
22 suspected of having a hearing disorder and who meets the  
23 qualifications set forth in this Act.

24 (B) A person "represents himself to be an audiologist" when  
25 he holds himself out to the public by any title or description of  
26 services incorporating the terms "audiology," "audiologist,"  
27 "audiometry," "audiometrist," "otometry," "otometrist," "hearing

1 therapy," "hearing therapist," "hearing clinician," "hearing  
2 clinic," "hearing center," "audiological," "audiometrics," or  
3 similar or related terms, titles, or description of services.

4 (6) "The practice of audiology" means the application of  
5 principles, methods, and procedures for the measurement, testing,  
6 appraisal, prediction, consultation, counseling, habilitation,  
7 rehabilitation, or instruction related to hearing and disorders of  
8 hearing for the purpose of rendering or offering to render services  
9 modifying communicative disorders involving speech, language,  
10 auditory function, or other aberrant behavior relating to hearing  
11 loss. An audiologist may engage in any tasks, procedures, acts, or  
12 practices that are necessary (1) for the evaluation of hearing or  
13 (2) for training in the use of amplification including hearing  
14 aids. An audiologist may participate in consultation regarding  
15 noise control and hearing conservation, may provide evaluations of  
16 environment or equipment including calibration of equipment used in  
17 testing auditory functioning and hearing conservation, and may  
18 perform the basic speech and language screening tests and  
19 procedures consistent with his training.

20 (7) "Speech pathology aide" means a person who meets minimum  
21 qualifications which the committee may establish for speech  
22 pathology aides and who works under the direction of a licensed  
23 speech pathologist. The qualifications for licensure as a speech  
24 pathology aide shall be uniform and shall be less than those  
25 established by this Act as necessary for licensure as a speech  
26 pathologist.

27 (8) "Audiology aide" means a person who meets minimum

1 qualifications which the committee may establish for audiology  
2 aides and who works under the direction of a licensed audiologist.  
3 The qualifications for licensure as an audiology aide shall be  
4 uniform and shall be less than those established by this Act as  
5 necessary for licensure as an audiologist.

6       Sec. 3. ADMINISTRATION. (a) The State Committee of  
7 Examiners for Speech Pathology and Audiology is created within the  
8 Texas Department of Health Resources. The committee consists of  
9 nine members, appointed by the governor, to take office on the  
10 effective date of this Act. Members of the committee shall have  
11 been residents of the State of Texas for two years immediately  
12 preceding appointment and shall be representative of varying  
13 geographic regions of the state and from varying employment  
14 settings. Seven members shall have been engaged in rendering  
15 services, teaching, or research in speech pathology or audiology  
16 for at least five years and shall meet the qualifications for  
17 licensure under Section 10 of this Act. Of these seven members,  
18 three members shall be audiologists, three members shall be speech  
19 pathologists, and one member shall be either a speech pathologist  
20 or audiologist. Except for the initial appointees, all seven shall  
21 hold valid licenses under this law. Two shall be public members,  
22 one of whom is a licensed physician board-certified in  
23 otolaryngology or pediatrics; the remaining public member, an  
24 interested citizen, may not be a licensee of the committee or of  
25 any board under this division. The members of the committee shall  
26 serve until the expiration of the term to which they have been  
27 appointed or until their successors have qualified.

1           (b) The initial appointments shall be determined by lot as  
2 follows: three members are appointed for terms which expire  
3 January 31, 1979; three members are appointed for terms which  
4 expire January 31, 1981, and three members are appointed for terms  
5 which expire January 31, 1983. After the initial appointments  
6 members are appointed for terms of six years expiring on January 31  
7 of odd-numbered years.

8           (c) The committee shall organize annually and select a  
9 chairman who, except for the initial chairman, shall hold a valid  
10 license under this Act, a vice-chairman, and a secretary-treasurer.  
11 The initial chairman shall be a person who meets the qualifications  
12 for licensing under this Act.

13           (d) Five members of the committee constitute a quorum to do  
14 business.

15           (e) No person may be appointed to serve more than two  
16 consecutive terms.

17           (f) The committee shall hold at least one regular meeting  
18 each year at which time an examination, as defined in Section 12 of  
19 this Act, shall be offered. Additional meetings may be held on the  
20 call of the chairman or at the written request of any three members  
21 of the committee. At least 14 days' advance notice of committee  
22 meetings is required.

23           Sec. 4. DUTIES AND POWERS. (a) The committee shall  
24 administer, coordinate, and enforce the provisions of this Act,  
25 evaluate the qualifications of applicants, and supervise the  
26 examination of applicants. The committee may issue subpoenas,  
27 examine witnesses, and administer oaths under the state laws of

1 Texas, and it shall investigate persons engaging in practices that  
2 violate the provisions of this Act.

3 (b) The committee shall conduct hearings and keep records  
4 and minutes necessary to an orderly dispatch of the administration  
5 of this Act.

6 (c) The committee shall adopt reasonable rules commensurate  
7 with the provisions of this Act, including rules that establish  
8 ethical standards of practice, and the committee may amend or  
9 repeal the rules adopted by it, subject to the approval of the  
10 Director of Health Resources.

11 (d) A person who holds a license to practice speech  
12 pathology or audiology in this state is governed and controlled by  
13 the rules adopted by the committee and approved by the Director of  
14 Health Resources.

15 (e) The conferral or enumeration of specific powers  
16 elsewhere in this Act shall not be construed as a limitation of the  
17 general powers conferred by this section.

18 (f) The committee shall be represented by the attorney  
19 general and the district and county attorneys of this state.

20 (g) Officers and employees directly responsible for handling  
21 money paid to the committee shall execute a performance bond as  
22 required by the committee. The premium for the bond shall be paid  
23 from committee funds.

24 (h) The committee may appoint subcommittees to work under  
25 its jurisdiction, subject to the approval of the Director of Health  
26 Resources.

27 Sec. 5. COMPENSATION AND PAYMENT OF EXPENSES OF COMMITTEE.

1 (a) The committee members receive no compensation for their  
2 services, but they may receive reimbursement for actual expenses  
3 incurred in the administration of this Act.

4 (b) All expenses incurred by the committee in the  
5 administration of the provisions of this Act shall be paid by  
6 warrants drawn on the state treasury by the comptroller when  
7 vouchers for expenses approved by the committee are submitted to  
8 the comptroller.

9 Sec. 6. EMPLOYEES OF THE COMMITTEE. The Texas Department of  
10 Health Resources shall provide such administrative and clerical  
11 employees as are necessary to carry out the provisions of this Act,  
12 with such employees being under the supervision and control of the  
13 committee.

14 Sec. 7. SEAL AND AUTHENTICATION OF RECORDS. The committee  
15 shall adopt a seal by which it shall authenticate its proceedings.  
16 Copies of the proceedings, records, and acts of the committee, and  
17 certificates purporting to relate the facts concerning the  
18 proceedings, records, and acts, signed by the secretary-treasurer  
19 and authenticated by the seal, are prima facie evidence in all  
20 courts of this state.

21 Sec. 8. LICENSING AND REGULATION OF SPEECH PATHOLOGISTS AND  
22 AUDIOLOGISTS. (a) Licenses shall be granted either in speech  
23 pathology or audiology independently. A person may be licensed in  
24 both areas if he meets the qualifications.

25 (b) No person may practice or represent himself as a speech  
26 pathologist or audiologist in this state after December 31, 1977,  
27 unless he is licensed in accordance with the provisions of this

1 Act.

2 (c) Any violation of this subsection shall constitute a  
3 deceptive trade practice.

4 Sec. 9. PERSONS AND PRACTICES NOT AFFECTED. (a) This Act  
5 does not prevent a qualified person licensed in this state under  
6 another law from engaging in the profession for which he is  
7 licensed if he does not hold himself out to be a speech pathologist  
8 or audiologist.

9 (b) This Act does not prevent or restrict the activities and  
10 services and the use of an official title by a person holding a  
11 valid and current certification in speech and hearing therapy from  
12 the Texas Education Agency if the person performs speech pathology  
13 or audiology services solely as a part of his duties within an  
14 agency, institution, or organization under the jurisdiction of the  
15 Texas Education Agency. If a person affected by this subsection  
16 performs work as a speech pathologist or audiologist apart from his  
17 position within an agency, institution, or organization of the  
18 Texas Education Agency, he must have a license issued by the  
19 committee.

20 (c) This Act does not restrict the activities and services  
21 of a student or intern pursuing a course of study leading to a  
22 degree in speech pathology at a college or university accredited by  
23 the Southern Association of Colleges and Universities or its  
24 equivalent, provided that these activities and services constitute  
25 a part of his supervised course of study or internship year, that  
26 he is supervised by a person licensed under this Act, and that he  
27 is designated by a title such as "Speech Pathology Intern" or



1 "Speech Pathology Trainee," or other title clearly indicating the  
2 training status appropriate to his level of training.

3 (d) This Act does not restrict activities and services of a  
4 student or intern in audiology pursuing a course of study leading  
5 to a degree in audiology at a college or university accredited by  
6 the Southern Association of Colleges and Universities or its  
7 equivalent, provided that these activities and services constitute  
8 a part of his supervised course of study or internship year, that  
9 he is supervised by a person licensed under this Act, and that he  
10 is designated by a title such as "Audiology Intern" or "Audiology  
11 Trainee," or other title clearly indicating the training status  
12 appropriate to his level of training.

13 (e) This Act does not restrict the performance of speech  
14 pathology or audiology services in this state by a person not a  
15 resident of this state who is not licensed under this Act if the  
16 services are performed for no more than five days in a calendar  
17 year and if the person meets the qualifications and requirements  
18 for application for licensure under this Act.

19 (f) This Act does not restrict the use of an official title  
20 by an individual teaching in a university or college training  
21 program, provided that the person is not engaged in the practice of  
22 speech pathology or audiology and does not supervise persons  
23 engaged in the practice of speech pathology or audiology.

24 (g) This Act does not permit a person to perform an act that  
25 would be in violation of Article 4510, Revised Civil Statutes of  
26 Texas, 1925, as amended. This Act does not permit a person to  
27 provide medical or surgical diagnosis or treatment of laryngeal or

1 ear disorders.

2 (h) This Act does not prevent or restrict a physician or  
3 surgeon from engaging in the practice of medicine in this state.  
4 This Act does not restrict speech or hearing testing or evaluation  
5 conducted by licensed physicians and surgeons or by persons  
6 conducting the tests under the direct supervision of and in the  
7 office of a physician or surgeon.

8 (i) This Act does not apply to a person employed by the  
9 Texas Department of Health Resources in its programs concerned with  
10 hearing or speech services as long as he is performing duties under  
11 the jurisdiction of the Texas Department of Health Resources.

12 (j) This Act does not apply to a person who shows evidence  
13 of having received training by the Texas Department of Health  
14 Resources in one of the hearing screening training programs  
15 approved by that agency, provided that all activities performed  
16 under this exception shall be limited to screening of hearing  
17 sensitivity.

18 (k) This Act does not license a person to sell hearing aids,  
19 as defined in Chapter 366, Acts of the 61st Legislature, Regular  
20 Session, 1969 (Article 4566-1.01, Vernon's Texas Civil Statutes),  
21 unless the person has been issued a license to engage in the  
22 selling of hearing aids by the Texas Board of Examiners in the  
23 Fitting and Dispensing of Hearing Aids.

24 (l) This Act does not prevent or restrict a person licensed  
25 by the Texas Board of Examiners in the Fitting and Dispensing of  
26 Hearing Aids from engaging in the practice of fitting and  
27 dispensing hearing aids, as defined in Chapter 366, Acts of the

1 61st Legislature, Regular Session, 1969 (Article 4566-1.01,  
2 Vernon's Texas Civil Statutes).

3 (m) This Act does not prevent persons in an industrial  
4 setting from engaging in hearing testing as a part of a hearing  
5 conservation program in compliance with regulations of the  
6 Occupational Safety and Health Administration, provided that such  
7 persons are certified by an agency acceptable to the Occupational  
8 Safety and Health Administration.

9 Sec. 10. QUALIFICATION OF APPLICANTS FOR LICENSE. (a) To  
10 be eligible for licensing as a speech pathologist or audiologist,  
11 an applicant must:

12 (1) be of good moral character;

13 (2) possess at least a master's degree from an accredited or  
14 approved college or university;

15 (3) submit transcripts from one or more colleges or  
16 universities showing that a total of 60 semester hours of academic  
17 credit have been successfully completed and that the applicant has  
18 obtained no less than the following:

19 (A) twelve semester hours in courses which provide  
20 information that pertains to normal development and use of speech,  
21 language, and hearing;

22 (B) thirty semester hours in courses that provide  
23 information about and training in evaluation and management of  
24 speech, language, and hearing disorders, at least 24 of which are  
25 in courses in the professional area for which the license is  
26 requested, and at least 6 semester hours in audiology for the  
27 license in speech pathology or in speech pathology for the license

1 in audiology, and no more than 6 semester hours in courses that  
2 provide credit for clinical practice obtained during academic  
3 training;

4 (C) credit for study of information pertaining to related  
5 fields that augment the work of the clinical practitioner of speech  
6 pathology or audiology sufficient to bring the applicant's total  
7 credit up to 60 hours; and

8 (D) thirty semester hours in courses that are acceptable  
9 toward a graduate degree by the college or university in which they  
10 are taken, 21 of which are within the 24 semester hours required in  
11 the professional area for which the license is requested or within  
12 the 6 semester hours required in the other professional area  
13 regulated by this Act;

14 (4) have completed a minimum of 300 clock hours of  
15 supervised clinical experience with individuals who present a  
16 variety of communication disorders, and this experience must have  
17 been obtained within his training institution or in one of its  
18 cooperating programs;

19 (5) have obtained the equivalent of nine months of full-time  
20 supervised professional experience in which bona fide clinical work  
21 has been accomplished in the major professional area for which the  
22 license is being sought, under the supervision of a qualified  
23 person acceptable to the committee, and must have begun after  
24 completion of the academic and clinical experiences required by  
25 this section.

26 (b) The committee may make reasonable changes in the  
27 qualifications required for applicants. A change made by the

1 committee pursuant to the authority of this subsection is not  
2 effective until it has been published by the committee as a  
3 proposed change for at least two years.

4       Sec. 11. APPLICATION FOR LICENSE. Each person desiring a  
5 license under this Act shall make application to the committee on a  
6 form and in the manner the committee prescribes. The application  
7 shall be accompanied by the application fee, which may not be  
8 refunded by the committee.

9       Sec. 12. EXAMINATION. (a) Each applicant shall be examined  
10 by the committee and shall pay to the committee, at least 30 days  
11 prior to the date of examination, an examination fee prescribed by  
12 the committee, which is not refunded. The examination shall be  
13 given at least twice each year at a time and place established by  
14 and under the supervision of the committee.

15       (b) The committee may examine by written or oral examination  
16 or by both. The committee shall maintain a record of all  
17 examination scores for at least two years after the date of  
18 examination.

19       (c) Standards for acceptable performance shall be determined  
20 by the committee.

21       (d) The committee may examine in whatever theoretical or  
22 applied fields in speech pathology or audiology it deems  
23 appropriate. It may examine the candidate with regard to his  
24 professional skills and his judgment in the utilization of speech  
25 pathology or audiology techniques or methods.

26       (e) A person who fails the examination may be examined at a  
27 subsequent time if he pays another application and examination fee.

1 No applicant who has taken and failed to pass two examinations may  
2 take the examination until that person has presented evidence to  
3 the committee of additional study in the area for which licensure  
4 is sought.

5 (f) The committee may waive the examination for applicants  
6 who:

7 (1) present proof of current licensure in another state,  
8 including the District of Columbia, or territory of the United  
9 States which maintains professional standards considered by the  
10 committee to be equivalent to those set forth in this Act; or

11 (2) hold the Certificate of Clinical Competence of the  
12 American Speech and Hearing Association in the area for which a  
13 license is being sought.

14 Sec. 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The  
15 committee, on request, shall waive educational, professional  
16 experience, and examination requirements for licensure in speech  
17 pathology for applicants who hold a baccalaureate or graduate  
18 degree, are fully certified by the Texas Education Agency in speech  
19 and hearing therapy or in the judgment of the committee have met  
20 equivalent requirements, and within one year prior to the effective  
21 date of this Act were engaged in the practice of speech pathology  
22 on proof of bona fide practice of speech pathology, presented to  
23 the committee in the manner prescribed by the committee's rules,  
24 provided they file an application for licensure within 90 days from  
25 the effective date of this Act. Such licenses shall be renewed in  
26 the same manner as licenses granted under other provisions of this  
27 Act.

1 (b) The committee, on request, shall waive educational,  
2 professional experience, and examination requirements for licensure  
3 in audiology for applicants who, on the effective date of this Act,  
4 hold a baccalaureate or graduate degree and have successfully  
5 completed 21 semester hours of course work in audiology, and are  
6 engaged in the practice of audiology on proof of bona fide practice  
7 of audiology presented to the committee in the manner prescribed by  
8 the committee's rules, provided they file an application for  
9 licensure within 90 days from the effective date of this Act.

10 (c) The committee may waive the examination and grant  
11 licensure to an applicant who presents proof of current licensure  
12 in another state, including the District of Columbia, or territory  
13 of the United States which maintains professional standards  
14 considered by the committee to be equivalent to those set forth in  
15 this Act.

16 (d) The committee may waive the examination and grant  
17 licensure to an applicant who holds the Certificate of Clinical  
18 Competence of the American Speech and Hearing Association or has  
19 met equivalent requirements in the area for which a license is  
20 sought.

21 Sec. 14. ISSUANCE OF LICENSE. (a) The committee shall  
22 issue a license to an applicant who meets the requirements of this  
23 Act and who pays to the committee the initial license fee.

24 (b) A temporary certificate of registration may be applied  
25 for by a person who fulfills the requirements of Section 10 of this  
26 Act and who has not previously applied to take the examination  
27 provided under Section 12 of this Act.

1           (c) On receiving an application provided for under  
2 Subsection (b) of this section accompanied by the application fee,  
3 the committee shall issue a temporary certificate of registration  
4 which entitles the applicant to practice audiology or speech  
5 pathology for a period ending eight weeks after the conclusion of  
6 the next examination given after the date of issue.

7           Sec. 15. RENEWAL OF LICENSE. (a) Each licensed speech  
8 pathologist or audiologist shall annually on or before January 30  
9 pay to the committee a fee for a renewal of his license. A 30-day  
10 grace period shall be allowed after January 30. After expiration  
11 of the grace period, the committee may renew each license after  
12 payment of a penalty set by the committee. No person who applies  
13 for renewal within two years after the date of expiration of the  
14 license, may be required to submit to an examination as a condition  
15 to renewal.

16           (b) A person who fails to renew his license within two years  
17 after the date of its expiration may not renew it, and it may not  
18 be restored, reissued, or reinstated thereafter, but that person  
19 may apply for and obtain a new license if he meets the requirements  
20 of this Act.

21           (c) Within three years of the effective date of this Act,  
22 renewal of a license is contingent on the applicant's meeting  
23 uniform continuing education requirements established by the  
24 committee. These continuing education requirements must be of such  
25 a nature that they can be met without necessitating an extended  
26 absence from the licensee's county of residence. Notice of  
27 continuing education requirements shall be sent to all persons



1 licensed under this Act at least 12 months prior to the time that  
2 the person's license renewal is dependent on completion of the  
3 requirements. Continuing education requirements shall be sent to  
4 new applicants with the forms on which they are to apply for  
5 licensure. Notification of changes in continuing education  
6 requirements shall be sent to persons licensed under this Act at  
7 least one year prior to the date on which the new requirements  
8 become effective.

9 (d) A suspended license is subject to expiration and may be  
10 renewed as provided in this Act, but the renewal does not entitle  
11 the licensee, while the license remains suspended and until it is  
12 reinstated, to engage in the licensed activity or in any other  
13 activity or conduct in violation of the order or judgment by which  
14 the license was suspended. A license revoked on disciplinary  
15 grounds is subject to expiration as provided in this Act, but it  
16 may not be renewed. If it is reinstated after its expiration, the  
17 licensee, as a condition of reinstatement, shall pay a  
18 reinstatement fee in an amount equal to the renewal fee in effect  
19 on the last preceding regular renewal date before the date on which  
20 it is reinstated, plus the delinquency fee, if any, accrued at the  
21 time of the license revocation.

22 (e) All licenses expire and become invalid one year from the  
23 date of issuance if not renewed.

24 Sec. 16. FEES. The amount of fees initially prescribed in  
25 connection with a license as a speech pathologist or audiologist  
26 shall not exceed the following:

27 (1) Application fee: \$50

- (2) Examination fee: \$25
- (3) Initial license fee: \$50
- (4) License renewal fee: \$50
- (5) Delinquency fee: \$25
- (6) Temporary license fee: \$15
- (7) Duplicate license fee: \$10

The committee shall adjust the amount of the fees so that the total fees collected will be sufficient to meet the expenses of administering this Act and so that unnecessary surpluses in the fund provided for in Section 20 of this Act are avoided.

Sec. 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The committee may refuse to issue a license to an applicant or may suspend or revoke the license of any licensee for any of the following causes:

(1) obtaining a license by means of fraud, misrepresentation, or concealment of material facts;

(2) selling, bartering, or offering to sell or barter a license or certificate of registration;

(3) unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public, as defined by the rules established by the committee, or violation of the code of ethics adopted and published by the committee;

(4) violating any lawful order or rule rendered or adopted by the committee; or

(5) violating any provisions of this Act.

(b) The committee shall deny an application for, or suspend or revoke, or impose probationary conditions on, a license as

1 ordered by the committee in any decision made after hearing as  
2 provided in this Act. One year from the date of revocation of a  
3 license under this Act, application may be made to the committee  
4 for reinstatement. The committee shall have discretion to accept  
5 or reject an application for reinstatement and may require an  
6 examination for the reinstatement.

7 (c) A plea or verdict of guilty or a conviction following a  
8 plea of nolo contendere made to a charge of a felony or of an  
9 offense involving moral turpitude is deemed to be a conviction  
10 within the meaning of this Act. At the direction of the committee,  
11 the license may be suspended or revoked, or the committee may  
12 decline to issue a license when the time for appeal of the  
13 conviction has elapsed or the judgment or conviction has been  
14 affirmed on appeal, or when an order granting probation is made  
15 suspending the imposition of sentence irrespective of a subsequent  
16 order allowing a person to withdraw his plea of guilty, or setting  
17 aside the verdict of guilty, or dismissing the information or  
18 indictment.

19 Sec. 18. PENALTIES. (a) A person who violates any of the  
20 provisions of this Act is guilty of a misdemeanor and on conviction  
21 may be punished by confinement in the county jail not exceeding six  
22 months, or by a fine not exceeding \$1,000, or by both.

23 (b) If a person other than a licensed speech pathologist or  
24 audiologist has engaged in any act or practice which constitutes an  
25 offense under this Act, a district court of any county, on  
26 application of the committee, may issue an injunction or other  
27 appropriate order restraining such conduct.

1           Sec. 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION OF  
2 A LICENSE. (a) A person whose application for a license is denied  
3 is entitled to a hearing before the committee if he submits a  
4 written request to the committee.

5           (b) Proceedings for revocation or suspension of a license  
6 shall be commenced by filing charges with the committee in writing  
7 and under oath. The charges may be made by any person or persons.

8           (c) The chairman of the committee shall fix a time and place  
9 for a hearing and shall cause a written copy of the charges or  
10 reason for denial of a license, together with a notice of the time  
11 and place fixed for the hearing, to be served on the applicant  
12 requesting the hearing or the licensee against whom the charges  
13 have been filed at least 20 days prior to the date set for the  
14 hearing. Service of charges and notice of hearing may be given by  
15 certified mail to the last known address of the licensee or  
16 applicant.

17           (d) At the hearing the applicant or licensee has the right  
18 to appear either personally or by counsel, or both, to produce  
19 witnesses, to have subpoenas issued by the committee, and to  
20 cross-examine opposing or adverse witnesses.

21           (e) The committee shall determine the charges on their  
22 merits and enter an order in a permanent record setting forth the  
23 findings of fact and law and the action taken. A copy of the order  
24 of the committee shall be mailed to the applicant or licensee at  
25 his last known address by certified mail.

26           (f) An individual whose application for a license has been  
27 refused or whose license has been cancelled, revoked, or suspended

1 by the committee may take an appeal, within 20 days after the order  
2 is entered, to any district court of Travis County or to any  
3 district court of the county of his residence.

4 (g) A case reviewed under the provisions of this section  
5 proceeds in the district court by trial de novo in the same manner  
6 as an appeal to the county court from the justice of the peace  
7 court.

8 (h) In all appeals prosecuted in any of the courts of this  
9 state pursuant to the provisions of this Act, such trials shall be  
10 de novo as that term is used and understood in appeals from justice  
11 of the peace courts to county courts. Under no circumstances shall  
12 the substantial evidence rule as interpreted and applied by the  
13 courts in Texas in other cases ever be used or applied to appeals  
14 prosecuted under the provisions of this Act.

15 Sec. 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds  
16 received by the committee under this Act shall be paid to the  
17 secretary-treasurer of the committee. All money shall be deposited  
18 in the state treasury in a separate fund to be known as the speech  
19 pathology and audiology fund.

20 (b) All expenses for the administration of the Act shall be  
21 paid from fees collected by the committee under this Act, and fees  
22 paid to the speech pathology and audiology fund are allocated to  
23 the committee for that purpose.

24 (c) Funds shall be appropriated to the committee for the  
25 implementation of this Act, said funds coming from the general  
26 revenue fund for the first year.

27 Sec. 21. REVENUE. The committee shall report to the state

1 comptroller at the beginning of each month the amount and source of  
2 all revenue received by it during the preceding month, and at that  
3 time shall pay the entire amount thereof into the speech pathology  
4 and audiology fund.

5       Sec. 22. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The  
6 provisions of Chapter 95, Acts of the 51st Legislature, Regular  
7 Session, 1949, as amended (Article 4590c, Vernon's Texas Civil  
8 Statutes), do not apply to audiologists or speech pathologists duly  
9 qualified and licensed under this Act who confine their activity to  
10 the areas specified in this Act.

11       Sec. 23. SUNSET PROVISION. Unless reenacted, the provisions  
12 of this Act shall be without effect after August 31, 1987.

13       Sec. 24. EFFECTIVE DATE. This Act is effective September 1,  
14 1977.

15       Sec. 25. EMERGENCY. The importance of this legislation and  
16 the crowded condition of the calendars in both houses create an  
17 emergency and an imperative public necessity that the  
18 constitutional rule requiring bills to be read on three several  
19 days in each house be suspended, and this rule is hereby suspended.

1 By: Jones of Harris, Mauzy, Brooks S.B. No. 440  
2 (In the Senate - Filed February 1, 1977; February 1, 1977,  
3 read first time and referred to Committee on Human Resources; March  
4 10, 1977, reported adversely, with favorable Committee Substitute;  
5 March 10, 1977, sent to printer.)

6 COMMITTEE SUBSTITUTE FOR S.B. NO. 440

By: Jones of Harris

7 A BILL TO BE ENTITLED

8 AN ACT

9 relating to the licensing and regulation of speech pathologists and  
10 audiologists; providing penalties; and declaring an emergency.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

12 Section 1. PURPOSE. It is the policy of this state that in  
13 order to safeguard the public health, safety, and welfare and to  
14 protect the public from unprofessional conduct by speech  
15 pathologists and audiologists, it is necessary to provide  
16 regulatory authority over persons offering speech pathology and  
17 audiology services to the public.

18 Sec. 2. DEFINITIONS. In this Act:

19 (1) "Committee" means the State Committee of Examiners for  
20 Speech Pathology and Audiology.

21 (2) "Person" means an individual, corporation, partnership,  
22 or other legal entity.

23 (3) (A) "Speech pathologist" means an individual who  
24 practices speech pathology, who makes a nonmedical evaluation, who  
25 examines, counsels, or provides habilitative or rehabilitative  
26 services for persons who have or are suspected of having speech,  
27 voice, or language disorders, and who meets the qualifications set  
28 forth in this Act.

29 (B) A person represents himself or herself to be a "speech  
30 pathologist" when such person holds himself or herself out to the  
31 public by a title or description of services incorporating the  
32 words "speech pathology," "speech pathologist," "speech therapy,"  
33 "speech therapist," "speech correction," "speech correctionist,"  
34 "speech and hearing therapy," "speech and hearing therapist,"  
35 "speech and hearing specialist," "speech and hearing clinician,"  
36 "language therapy," "language therapist," "voice pathology," "voice  
37 pathologist," "voice therapy," "voice therapist," "logopedics,"  
38 "logopedist," "communicology," "communicologist," "aphasiologist,"  
39 "phoniatrist," "speech clinician," "speech clinic," "speech  
40 center," or similar or related term or terms, titles, or  
41 description of services.

42 (4) "The practice of speech pathology" means the application  
43 of principles, methods, and procedures for the measurement,  
44 testing, evaluation, prediction, counseling, habilitation,  
45 rehabilitation, or instruction related to the development and  
46 disorders of speech, voice, or language for the purpose of  
47 rendering or offering to render an evaluation, prevention, or  
48 modification of these disorders and conditions in individuals or  
49 groups of individuals. Speech pathologists may perform the basic  
50 audiometric screening tests and hearing therapy procedures  
51 consistent with their training.

52 (5) (A) "Audiologist" means a person who practices  
53 audiology, who makes a nonmedical evaluation, who examines,  
54 counsels, or provides habilitative or rehabilitative services for  
55 persons who have or are suspected of having a hearing disorder, and  
56 who meets the qualifications set forth in this Act.

57 (B) A person represents himself or herself to be an  
58 "audiologist" when such person holds himself or herself out to the  
59 public by any title or description of services incorporating the

1 terms "audiology," "audiologist," "audiometry," "audiometrist,"  
2 "otometry," "otometrist," "hearing therapy," "hearing therapist,"  
3 "hearing clinician," "hearing clinic," "hearing center,"  
4 "audiological," "audiometrics," or similar or related terms,  
5 titles, or description of services.

6 (6) "The practice of audiology" means the application of  
7 principles, methods, and procedures for the measurement, testing,  
8 appraisal, prediction, consultation, counseling, habilitation,  
9 rehabilitation, or instruction related to hearing and disorders of  
10 hearing for the purpose of rendering or offering to render services  
11 modifying communicative disorders involving speech, language,  
12 auditory function, or other aberrant behavior relating to hearing  
13 loss. An audiologist may engage in any tasks, procedures, acts, or  
14 practices that are necessary (A) for the evaluation of hearing or  
15 (B) for training in the use of amplification including hearing  
16 aids. An audiologist may participate in consultation regarding  
17 noise control and hearing conservation, may provide evaluations of  
18 environment or equipment including calibration of equipment used in  
19 testing auditory functioning and hearing conservation, and may  
20 perform the basic speech and language screening tests and  
21 procedures consistent with his or her training.

22 (7) "Speech pathology aide" means a person who meets minimum  
23 qualifications which the committee may establish for speech  
24 pathology aides, and who works under the direction of a licensed  
25 speech pathologist. The qualifications for licensure as a speech  
26 pathology aide shall be uniform and shall be less than those  
27 established by this Act as necessary for licensure as a speech  
28 pathologist.

29 (8) "Audiology aide" means a person who meets minimum  
30 qualifications which the committee may establish for audiology  
31 aides, and who works under the direction of a licensed audiologist.  
32 The qualifications for licensure as an audiology aide shall be  
33 uniform and shall be less than those established by this Act as  
34 necessary for licensure as an audiologist.

35 Sec. 3. ADMINISTRATION. (a) The State Committee of  
36 Examiners for Speech Pathology and Audiology is created within the  
37 Texas Department of Health Resources. The committee consists of  
38 nine members appointed by the governor to take office on the  
39 effective date of this Act. Members of the committee shall have  
40 been residents of the State of Texas for two years immediately  
41 preceding appointment and shall be representative of varying  
42 geographic regions of the state and from varying employment  
43 settings. Seven members shall have been engaged in rendering  
44 services, teaching, or research in speech pathology or audiology  
45 for at least five years and shall meet the qualifications for  
46 licensure under Section 10 of this Act. Of these seven members,  
47 three members shall be audiologists, three members shall be speech  
48 pathologists, and one member shall be either a speech pathologist  
49 or audiologist. Except for the initial appointees, all seven shall  
50 hold valid licenses under this law. Two shall be public members,  
51 one of whom is a licensed physician board-certified in  
52 otolaryngology or pediatrics; the remaining public member, an  
53 interested citizen, may not be a licensee of the committee or of  
54 any board under this division. The members of the committee shall  
55 serve until the expiration of the term to which they have been  
56 appointed or until their successors have qualified.

57 (b) The initial appointments shall be determined by lot as  
58 follows: three members are appointed for terms which expire  
59 January 31, 1979; three members are appointed for terms which  
60 expire January 31, 1981, and three members are appointed for terms  
61 which expire January 31, 1983. After the initial appointments,  
62 members are appointed for terms of six years expiring on January 31  
63 of odd-numbered years.



1 (c) The committee shall organize annually and select a  
2 chairperson who, except for the initial chairperson, shall hold a  
3 valid license under this Act, a vice-chairperson, and a  
4 secretary-treasurer. The initial chairperson shall be one who  
5 meets the qualifications for licensing under this Act.

6 (d) Five members of the committee constitute a quorum to do  
7 business.

8 (e) No person may be appointed to serve more than two  
9 consecutive terms.

10 (f) The committee shall hold at least one regular meeting  
11 each year at which time an examination as defined in Section 12 of  
12 this Act, shall be offered. Additional meetings may be held on the  
13 call of the chairperson or at the written request of any three  
14 members of the committee. At least 14 days advance notice of  
15 committee meetings is required.

16 Sec. 4. DUTIES AND POWERS. (a) The committee shall  
17 administer, coordinate, and enforce the provisions of this Act,  
18 evaluate the qualifications of applicants, and supervise the  
19 examination of applicants. The committee may issue subpoenas,  
20 examine witnesses, and administer oaths under the state laws of  
21 Texas, and it shall investigate persons engaging in practices that  
22 violate the provisions of this Act, subject to the approval of the  
23 Director of Health Resources.

24 (b) The committee shall conduct hearings and keep records  
25 and minutes necessary to an orderly dispatch of the administration  
26 of this Act, subject to the approval of the Director of Health  
27 Resources.

28 (c) The committee shall adopt reasonable rules commensurate  
29 with the provisions of this Act, including rules that establish  
30 ethical standards of practice, and the committee may amend or  
31 repeal the rules adopted by it, all subject to the approval of the  
32 Director of Health Resources.

33 (d) A person who holds a license to practice speech  
34 pathology or audiology in this state is governed and controlled by  
35 the rules adopted by the committee and approved by the Director of  
36 Health Resources.

37 (e) The conferral or enumeration of specific powers  
38 elsewhere in this Act shall not be construed as a limitation of the  
39 general powers conferred by this section.

40 (f) The committee shall be represented by the attorney  
41 general and the district and county attorneys of this state.

42 (g) Officers and employees directly responsible for handling  
43 money paid to the committee shall execute a performance bond as  
44 required by the committee. The premium for the bond shall be paid  
45 from committee funds.

46 (h) The committee may appoint subcommittees to work under  
47 its jurisdiction, subject to the approval of the Director of Health  
48 Resources.

49 Sec. 5. COMPENSATION AND PAYMENT OF EXPENSES OF COMMITTEE.  
50 (a) The committee members receive no compensation for their  
51 services, but they may receive reimbursement for actual expenses  
52 incurred in the administration of this Act.

53 (b) All expenses incurred by the committee in the  
54 administration of the provisions of this Act shall be paid by  
55 warrants drawn on the State Treasury by the comptroller when  
56 vouchers for expenses approved by the committee are submitted to  
57 the comptroller.

58 Sec. 6. EMPLOYEES OF THE COMMITTEE. The Texas Department of  
59 Health Resources shall provide such administrative and clerical  
60 employees as are necessary to carry out the provisions of this Act,  
61 with such employees being under the supervision and control of the  
62 committee.

63 Sec. 7. SEAL AND AUTHENTICATION OF RECORDS. The committee

1 shall adopt a seal by which it shall authenticate its proceedings.  
2 Copies of the proceedings, records, and acts of the committee and  
3 certificates purporting to relate the facts concerning the  
4 proceedings, records, and acts, signed by the secretary-treasurer  
5 and authenticated by the seal, are prima facie evidence in all  
6 courts of this state.

7 Sec. 8. LICENSING AND REGULATION OF SPEECH PATHOLOGISTS AND  
8 AUDIOLOGISTS. (a) Licenses shall be granted either in speech  
9 pathology or audiology independently. Persons may be licensed in  
10 both areas if they meet the qualifications.

11 (b) No persons may practice or represent themselves as  
12 speech pathologists or audiologists in this state after December  
13 31, 1977, unless they are licensed in accordance with the  
14 provisions of this Act.

15 (c) Any violation of this subsection shall constitute a  
16 deceptive trade practice.

17 Sec. 9. PERSONS AND PRACTICES NOT AFFECTED. (a) This Act  
18 does not prevent qualified persons licensed in this state under  
19 another law from engaging in the profession for which they are  
20 licensed.

21 (b) This Act does not prevent or restrict the activities and  
22 services and the use of an official title by persons holding a  
23 valid and current certification in speech and hearing therapy from  
24 the Central Education Agency if those persons perform speech  
25 pathology or audiology services solely as a part of their duties  
26 within an agency, institution, or organization under the  
27 jurisdiction of the Central Education Agency. If persons affected  
28 by this subsection perform work as a speech pathologist or  
29 audiologist apart from their positions within an agency,  
30 institution, or organization of the Central Education Agency, they  
31 must have a license issued by the committee, except that a person  
32 affected by this subsection may perform speech and hearing  
33 screening procedures without compensation without having a license  
34 issued by the committee.

35 (c) This Act does not restrict the activities and services  
36 of students or interns pursuing a course of study leading to a  
37 degree in speech pathology at a college or university accredited by  
38 the Southern Association of Colleges and Universities or its  
39 equivalent, provided that these activities and services constitute  
40 a part of their supervised course of study or internship year, that  
41 they are supervised by a person licensed under this Act, and that  
42 they are designated by a title such as "Speech Pathology Intern" or  
43 "Speech Pathology Trainee" or other title clearly indicating the  
44 training status appropriate to their level of training.

45 (d) This Act does not restrict activities and services of  
46 students or interns in audiology pursuing a course of study leading  
47 to a degree in audiology at a college or university accredited by  
48 the Southern Association of Colleges and Universities or its  
49 equivalent, provided that these activities and services constitute  
50 a part of their supervised course of study or internship year, that  
51 they are supervised by a person licensed under this Act, and that  
52 they are designated by a title such as "Audiology Intern" or  
53 "Audiology Trainee" or other title clearly indicating the training  
54 status appropriate to his level of training.

55 (e) This Act does not restrict the performance of speech  
56 pathology or audiology services in this state by a person not a  
57 resident of this state who is not licensed under this Act, if the  
58 services are performed for no more than five days in a calendar  
59 year and if the person meets the qualifications and requirements  
60 for application for licensure under this Act.

61 (f) This Act does not restrict the use of an official title  
62 by an individual teaching in a university or college training  
63 program, provided that the person is not engaged in the practice of

1 speech pathology or audiology and does not supervise persons  
2 engaged in the practice of speech pathology or audiology.

3 (g) This Act does not permit a person to perform an act that  
4 would be in violation of Article 4510, Revised Civil Statutes of  
5 Texas, 1925, as amended. This Act does not permit a person to  
6 provide medical or surgical diagnosis or treatment of laryngeal or  
7 ear disorders.

8 (h) Nothing in this Act shall be construed as restricting or  
9 preventing a physician or surgeon from engaging in the practice of  
10 medicine in this state. This Act does not restrict speech or  
11 hearing testing or evaluation conducted by a licensed physician and  
12 surgeon or by a person under the control or supervision or at the  
13 instruction of one licensed to practice medicine in this state.

14 (i) This Act does not apply to persons employed by the Texas  
15 Department of Health Resources in its programs concerned with  
16 hearing or speech services as long as they are performing duties  
17 under the jurisdiction of the Texas Department of Health Resources.

18 (j) This Act does not apply to a person who shows evidence  
19 of having received training by the Texas Department of Health  
20 Resources in one of the hearing screening training programs  
21 approved by that agency, provided that all activities performed  
22 under this exception shall be limited to screening of hearing  
23 sensitivity.

24 (k) This Act does not license a person to sell hearing aids  
25 as defined in Chapter 366, Acts of the 61st Legislature, Regular  
26 Session, 1969 (Article 4566-1.01, Vernon's Texas Civil Statutes),  
27 unless the person has been issued a license to engage in the  
28 selling of hearing aids by the Texas Board of Examiners in the  
29 Fitting and Dispensing of Hearing Aids.

30 (l) This Act does not prevent or restrict a person licensed  
31 by the Texas Board of Examiners in the Fitting and Dispensing of  
32 Hearing Aids from engaging in the practice of fitting and  
33 dispensing hearing aids as defined in Chapter 366, Acts of the 61st  
34 Legislature, Regular Session, 1969 (Article 4566-1.01, Vernon's  
35 Texas Civil Statutes).

36 (m) This Act does not prevent persons in an industrial  
37 setting from engaging in hearing testing as a part of a hearing  
38 conservation program in compliance with regulations of the  
39 Occupational Safety and Health Administration, provided that such  
40 persons are certified by an agency acceptable to the Occupational  
41 Safety and Health Administration.

42 (n) This Act does not prevent or restrict speech or hearing  
43 sensitivity screening evaluations conducted by registered nurses  
44 licensed by the laws of this state and practicing in accordance  
45 with the standards of professional conduct and ethics promulgated  
46 by the rules and regulations of the Board of Nurse Examiners.

47 Sec. 10. QUALIFICATION OF APPLICANTS FOR LICENSE. To be  
48 eligible for licensing as a speech pathologist or audiologist, an  
49 applicant must:

50 (1) be of good moral character;

51 (2) possess at least a master's degree from an accredited or  
52 approved college or university;

53 (3) submit transcripts from one or more colleges or  
54 universities showing that a total of 60 semester hours of academic  
55 credit has been successfully completed and that the applicant has  
56 obtained no less than the following:

57 (A) 12 semester hours in courses which provide information  
58 that pertains to normal development and use of speech, language,  
59 and hearing.

60 (B) 30 semester hours in courses that provide information  
61 about and training in evaluation and management of speech,  
62 language, and hearing disorders, at least 24 of which are in  
63 courses in the professional area for which the license is requested

1 and at least six semester hours in audiology for the license in  
2 speech pathology or in speech pathology for the license in  
3 audiology and no more than six semester hours in courses that  
4 provide credit for clinical practice obtained during academic  
5 training;

6 (C) credit for study of information pertaining to related  
7 fields that augment the work of the clinical practitioner of speech  
8 pathology or audiology sufficient to bring the applicant's total  
9 credit up to 60 hours; and

10 (D) 30 semester hours in courses that are acceptable toward  
11 a graduate degree by the college or university in which they are  
12 taken, 21 of which are within the 24 semester hours required in the  
13 professional area for which the license is requested or within the  
14 six semester hours required in the other professional area  
15 regulated by this Act;

16 (4) have completed a minimum of 300 clock hours of  
17 supervised clinical experience with individuals who present a  
18 variety of communication disorders, and this experience must have  
19 been obtained within his or her training institution or in one of  
20 its cooperating programs;

21 (5) have obtained the equivalent of nine months of full-time  
22 supervised professional experience in which bona fide clinical work  
23 has been accomplished in the major professional area for which the  
24 license is being sought under the supervision of a qualified person  
25 acceptable to the committee and must have begun after completion of  
26 the academic and clinical experiences required by this section.

27 Sec. 11. APPLICATION FOR LICENSE. Each person desiring a  
28 license under this Act shall make application to the committee on a  
29 form and in the manner the committee prescribes. The application  
30 shall be accompanied by the application fee which may not be  
31 refunded by the committee.

32 Sec. 12. EXAMINATION. (a) Each applicant shall be examined  
33 by the committee and shall pay to the committee, at least 30 days  
34 prior to the date of examination, an examination fee prescribed by  
35 the committee, which is not refunded. The examination shall be  
36 given at least twice each year at a time and place established by  
37 and under the supervision of the committee.

38 (b) The committee may examine by written or oral examination  
39 or by both. The committee shall maintain a record of all  
40 examination scores for at least two years after the date of  
41 examination.

42 (c) Standards for acceptable performance shall be determined  
43 by the committee.

44 (d) The committee may examine in whatever theoretical or  
45 applied fields of speech pathology or audiology it deems  
46 appropriate. It may examine the candidates with regard to their  
47 professional skills and their judgment in the utilization of speech  
48 pathology or audiology techniques or methods.

49 (e) Persons who fail the examination may be examined at a  
50 subsequent time if they pay another application and examination  
51 fee. No applicant who has taken and failed to pass two  
52 examinations may take the examination until that person has  
53 presented evidence to the committee of additional study in the area  
54 for which licensure is sought.

55 (f) The committee may waive the examination for applicants  
56 who:

57 (1) present proof of current licensure in another state,  
58 including the District of Columbia, or territory of the United  
59 States which maintains professional standards considered by the  
60 committee to be equivalent to those set forth in this Act; or

61 (2) hold the Certificate of Clinical Competence of the  
62 American Speech and Hearing Association in the area for which a  
63 license is being sought.

1           Sec. 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The  
2 committee, on request, must waive educational, professional  
3 experience, and examination requirements for licensure in speech  
4 pathology for applicants who hold a baccalaureate or graduate  
5 degree, are fully certified by the Central Education Agency in  
6 speech and hearing therapy or in the judgment of the committee have  
7 met equivalent requirements, and within two years prior to the  
8 effective date of this Act were engaged in the practice of speech  
9 pathology on proof of bona fide practice of speech pathology,  
10 presented to the committee in the manner prescribed by the  
11 committee's rules, provided they file an application for licensure  
12 with the committee or the Director of Health Resources within 90  
13 days from the effective date of this Act. Such licenses shall be  
14 issued without delay and shall be renewed in the same manner as  
15 licenses granted under other provisions of this Act.

16           (b) The committee, on request, shall waive educational,  
17 professional experience, and examination requirements for licensure  
18 in audiology for applicants who, on the effective date of this Act,  
19 hold a baccalaureate or graduate degree and have successfully  
20 completed 21 semester hours of course work in audiology, and are  
21 engaged in the practice of audiology on proof of bona fide practice  
22 of audiology presented to the committee in the manner prescribed by  
23 the committee's rules, provided they file an application for  
24 licensure with the committee or the Director of Health Resources  
25 within 90 days from the effective date of this Act.

26           (c) The committee may waive the examination and grant  
27 licensure to an applicant who presents proof of current licensure  
28 in another state, including the District of Columbia, or territory  
29 of the United States which maintains professional standards  
30 considered by the committee to be equivalent to those set forth in  
31 this Act.

32           (d) The committee may waive the examination and grant  
33 licensure to an applicant who holds the Certificate of Clinical  
34 Competence of the American Speech and Hearing Association or has  
35 met equivalent requirements in the area for which a license is  
36 sought.

37           Sec. 14. ISSUANCE OF LICENSE. (a) The committee shall  
38 issue a license to an applicant who meets the requirements of this  
39 Act and who pays to the committee the initial license fee.

40           (b) A temporary certificate of registration may be applied  
41 for by a person who fulfills the requirements of Section 10 of this  
42 Act and who has not previously applied to take the examination  
43 provided under Section 12 of this Act.

44           (c) On receiving an application provided for under  
45 Subsection (b) of this section accompanied by the application fee,  
46 the committee shall issue a temporary certificate of registration  
47 which entitles the applicant to practice audiology or speech  
48 pathology for a period ending eight weeks after the conclusion of  
49 the next examination given after the date of issue.

50           Sec. 15. RENEWAL OF LICENSE. (a) Each licensed speech  
51 pathologist or audiologist shall annually on or before January 30  
52 pay to the committee a fee for a renewal of his license. A 30-day  
53 grace period shall be allowed after January 30. After expiration  
54 of the grace period, the committee may renew each license after  
55 payment of a penalty set by the committee. No person who applies  
56 for renewal within two years after the date of expiration of the  
57 license may be required to submit to an examination as a condition  
58 to renewal.

59           (b) Persons who fail to renew their license within two years  
60 after the date of its expiration may not renew it, and it may not  
61 be restored, reissued, or reinstated thereafter, but those persons  
62 may apply for and obtain a new license if they meet the  
63 requirements of this Act.

(c) Within three years of the effective date of this Act, renewal of a license is contingent on the applicant's meeting uniform continuing education requirements established by the committee. These continuing education requirements must be of such a nature that they can be met without necessitating an extended absence from the licensee's county of residence. Notice of continuing education requirements shall be sent to all persons licensed under this Act at least 12 months prior to the time that the person's license renewal is dependent on completion of the requirements. Continuing education requirements shall be sent to new applicants with the forms on which they are to apply for licensure. Notification of changes in continuing education requirements shall be sent to persons licensed under this Act at least one year prior to the date on which the new requirements become effective.

(d) A suspended license is subject to expiration and may be renewed as provided in this Act, but the renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity or in any other activity or conduct in violation of the order or judgment by which the license was suspended. A license revoked on disciplinary grounds is subject to expiration as provided in this Act, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of the license revocation.

(e) All licenses expire and become invalid one year from the date of issuance if not renewed.

Sec. 16. FEES. The amount of fees initially prescribed in connection with a license as a speech pathologist or audiologist shall not exceed the following:

- (1) Application fee: \$50
- (2) Examination fee: \$25
- (3) Initial license fee: \$50
- (4) License renewal fee: \$50
- (5) Delinquency fee: \$25
- (6) Temporary license fee: \$15
- (7) Duplicate license fee: \$10

The committee shall adjust the amount of the fees so that the total fees collected will be sufficient to meet the expenses of administering this Act and so that unnecessary surpluses in the fund provided for in Section 20 of this Act are avoided.

Sec. 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The committee may refuse to issue a license to an applicant or may suspend or revoke the license of any licensee for any of the following causes:

(1) obtaining a license by means of fraud, misrepresentation, or concealment of material facts;

(2) selling, bartering, or offering to sell or barter a license or certificate of registration;

(3) unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public as defined by the rules established by the committee, or violation of the code of ethics adopted and published by the committee;

(4) violating any lawful order or rule rendered or adopted by the committee; or

(5) violating any provisions of this Act.

(b) The committee shall deny an application for, or suspend or revoke, or impose probationary conditions on, a license as ordered by the committee in any decision made after hearing as provided in this Act. One year from the date of revocation of a

1 license under this Act, application may be made to the committee  
2 for reinstatement. The committee shall have discretion to accept  
3 or reject an application for reinstatement and may require an  
4 examination for the reinstatement.

5 (c) A plea or verdict of guilty or a conviction following a  
6 plea of nolo contendere made to a charge of a felony or of an  
7 offense involving moral turpitude is deemed to be a conviction  
8 within the meaning of this Act. At the direction of the committee  
9 the license may be suspended or revoked, or the committee may  
10 decline to issue a license when the time for appeal of the  
11 conviction has elapsed or the judgment or conviction has been  
12 affirmed on appeal, or when an order granting probation is made  
13 suspending the imposition of sentence irrespective of a subsequent  
14 order allowing a person to withdraw his or her plea of guilty, or  
15 setting aside the verdict of guilty, or dismissing the information  
16 or indictment.

17 Sec. 18. PENALTIES. (a) A person who violates any of the  
18 provisions of this Act is guilty of a misdemeanor and on conviction  
19 may be punished by confinement in the county jail not exceeding six  
20 months, or by a fine not exceeding \$1,000, or by both.

21 (b) If a person other than a licensed speech pathologist or  
22 audiologist has engaged in any act or practice which constitutes an  
23 offense under this Act, a district court of any county, on  
24 application of the committee, may issue an injunction or other  
25 appropriate order restraining such conduct.

26 Sec. 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION OF  
27 A LICENSE. (a) A person whose application for a license is  
28 denied is entitled to a hearing before the committee if such person  
29 submits a written request to the committee.

30 (b) Proceedings for revocation or suspension of a license  
31 shall be commenced by filing charges with the committee in writing  
32 and under oath. The charges may be made by any person or persons.

33 (c) The chairperson of the committee shall fix a time and  
34 place for a hearing and shall cause a written copy of the charges  
35 or reason for denial of a license, together with a notice of the  
36 time and place fixed for the hearing, to be served on the applicant  
37 requesting the hearing or the licensee against whom the charges  
38 have been filed at least 20 days prior to the date set for the  
39 hearing. Service of charges and notice of hearing may be given by  
40 certified mail to the last known address of the licensee or  
41 applicant.

42 (d) At the hearing the applicant or licensee has the right  
43 to appear either personally or by counsel, or both, to produce  
44 witnesses, to have subpoenas issued by the committee, and to  
45 cross-examine opposing or adverse witnesses.

46 (e) The committee shall determine the charges on their  
47 merits and enter an order in a permanent record setting forth the  
48 findings of fact and law and the action taken. A copy of the order  
49 of the committee shall be mailed to the applicant or licensee at  
50 his or her last known address by certified mail.

51 (f) An individual whose application for a license has been  
52 refused or whose license has been cancelled, revoked, or suspended  
53 by the committee may take an appeal, within 20 days after the order  
54 is entered, to any district court of Travis County or to any  
55 district court of the county of his or her residence.

56 (g) A case reviewed under the provisions of this section  
57 proceeds in the district court by trial de novo in the same manner  
58 as an appeal to the county court from the justice of the peace  
59 court.

60 (h) In all appeals prosecuted in any of the courts of this  
61 state pursuant to the provisions of this Act, such trials shall be  
62 de novo as that term is used and understood in appeals from justice  
63 of the peace courts to county courts. Under no circumstances shall

the substantial evidence rule as interpreted and applied by the courts in Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act.

Sec. 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds received by the committee under this Act shall be paid to the secretary-treasurer of the committee. All money shall be deposited in the State Treasury in a separate fund to be known as the speech pathology and audiology fund.

(b) All expenses for the administration of the Act shall be paid from fees collected by the committee under this Act, and fees paid to the speech pathology and audiology fund are allocated to the committee for that purpose.

(c) Funds shall be appropriated to the committee for the implementation of this Act, said funds coming from the General Revenue Fund for the first year.

Sec. 21. REVENUE. The committee shall report to the state comptroller at the beginning of each month the amount and source of all revenue received by it during the preceding month, and at that time shall pay the entire amount thereof into the speech pathology and audiology fund.

Sec. 22. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The provisions of Chapter 95, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4590c, Vernon's Texas Civil Statutes), do not apply to audiologists or speech pathologists duly qualified and licensed under this Act who confine their activity to the areas specified in this Act.

Sec. 23. SUNSET PROVISION. Unless reenacted, the provisions of this Act shall be without effect after August 31, 1987.

Sec. 24. EFFECTIVE DATE. This Act is effective September 1, 1977.

Sec. 25. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

\* \* \* \* \*

Austin, Texas  
March 10, 1977

Hon. William P. Hobby  
President of the Senate

Sir:

We, your Committee on Human Resources, to which was referred S.B. No. 440, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

Brooks, Chairman



# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 18, 1977

Honorable Chet Brooks, Chairman  
Committee on Human Resources  
Senate Chamber  
Austin, Texas

In Re: Senate Bill No. 440  
By: Jones of Harris

Sir:

In response to your request pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of Senate Bill No. 440, (relating to the licensing and regulation of speech pathologists and audiologists) to be as follows:

The Bill would make no appropriation but would constitute prior legislative authorization for an appropriative request.


The Bill, if enacted, would create a nine member state committee of examiners for Speech Pathology and Audiology within the Texas Department of Health Resources. One employee, travel and other operating expenses necessary to carry out the provisions of the Bill would be required. In fiscal year 1978, the expenses incurred pursuant to the Bill would be financed through General Revenue. In subsequent years, such expenses would be financed through fee collections. The maximum fees are set forth in Sec. 16, beginning at line 24, page 17. Fees shall be deposited in the State Treasury in a Speech Pathology and Audiology Fund.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>General Revenue</u>	<u>Speech Pathology and Audiology Fund</u>
1978	\$ 33,124	-0-
1979	-0-	\$ 26,853
1980	-0-	26,953
1981	-0-	27,063
1982	-0-	27,173

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication or additional cost to the state, or statewide impact on units of local government of the same type or class, attributable to the bill, should it be enacted is anticipated.

  
Thomas M. Keel  
Director

Source: Department of Health Resources  
LBB staff

AMENDMENT NO. 1

By M. M. M. M. M.

*Section 3a page 2 line 35*

Amend C.S.S.B. 440 by adding the words ", with the advice and consent of 2/3 rd ~~majority membership of the Senate,~~ in between the words "governor" and "to" where they appear in Section 3 (a).

*two-thirds*

*a quorum being present*

*Am. #1*

ADOPTED

MAR 23 1977

*Betty King*  
Secretary of the Senate

Mar. 24 1977 Engrossed  
Patsy Spaw  
Engrossing Clerk

S.B. No. 440

AN ACT

relating to the licensing and regulation of speech pathologists and audiologists; providing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. PURPOSE. It is the policy of this state that in order to safeguard the public health, safety, and welfare and to protect the public from unprofessional conduct by speech pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

Sec. 2. DEFINITIONS. In this Act:

(1) "Committee" means the State Committee of Examiners for Speech Pathology and Audiology.

(2) "Person" means an individual, corporation, partnership, or other legal entity.

(3) (A) "Speech pathologist" means an individual who practices speech pathology, who makes a nonmedical evaluation, who examines, counsels, or provides habilitative or rehabilitative services for persons who have or are suspected of having speech, voice, or language disorders, and who meets the qualifications set forth in this Act.

(B) A person represents himself or herself to be a "speech pathologist" when such person holds himself or herself out to the public by a title or description of services incorporating the words "speech pathology," "speech pathologist," "speech therapy,"

1 "speech therapist," "speech correction," "speech correctionist,"  
2 "speech and hearing therapy," "speech and hearing therapist,"  
3 "speech and hearing specialist," "speech and hearing clinician,"  
4 "language therapy," "language therapist," "voice pathology," "voice  
5 pathologist," "voice therapy," "voice therapist," "logopedics,"  
6 "logopedist," "communicology," "communicologist," "aphasiologist,"  
7 "phoniatrist," "speech clinician," "speech clinic," "speech  
8 center," or similar or related term or terms, titles, or  
9 description of services.

10 (4) "The practice of speech pathology" means the application  
11 of principles, methods, and procedures for the measurement,  
12 testing, evaluation, prediction, counseling, habilitation,  
13 rehabilitation, or instruction related to the development and  
14 disorders of speech, voice, or language for the purpose of  
15 rendering or offering to render an evaluation, prevention, or  
16 modification of these disorders and conditions in individuals or  
17 groups of individuals. Speech pathologists may perform the basic  
18 audiometric screening tests and hearing therapy procedures  
19 consistent with their training.

20 (5) (A) "Audiologist" means a person who practices  
21 audiology, who makes a nonmedical evaluation, who examines,  
22 counsels, or provides habilitative or rehabilitative services for  
23 persons who have or are suspected of having a hearing disorder, and  
24 who meets the qualifications set forth in this Act.

25 (B) A person represents himself or herself to be an  
26 "audiologist" when such person holds himself or herself out to the

1 public by any title or description of services incorporating the  
2 terms "audiology," "audiologist," "audiometry," "audiometrist,"  
3 "otometry," "otometrist," "hearing therapy," "hearing therapist,"  
4 "hearing clinician," "hearing clinic," "hearing center,"  
5 "audiological," "audiometrics," or similar or related terms,  
6 titles, or description of services.

7 (6) "The practice of audiology" means the application of  
8 principles, methods, and procedures for the measurement, testing,  
9 appraisal, prediction, consultation, counseling, habilitation,  
10 rehabilitation, or instruction related to hearing and disorders of  
11 hearing for the purpose of rendering or offering to render services  
12 modifying communicative disorders involving speech, language,  
13 auditory function, or other aberrant behavior relating to hearing  
14 loss. An audiologist may engage in any tasks, procedures, acts, or  
15 practices that are necessary (A) for the evaluation of hearing or  
16 (B) for training in the use of amplification including hearing  
17 aids. An audiologist may participate in consultation regarding  
18 noise control and hearing conservation, may provide evaluations of  
19 environment or equipment including calibration of equipment used in  
20 testing auditory functioning and hearing conservation, and may  
21 perform the basic speech and language screening tests and  
22 procedures consistent with his or her training.

23 (7) "Speech pathology aide" means a person who meets minimum  
24 qualifications which the committee may establish for speech  
25 pathology aides, and who works under the direction of a licensed  
26 speech pathologist. The qualifications for licensure as a speech

1 pathology aide shall be uniform and shall be less than those  
2 established by this Act as necessary for licensure as a speech  
3 pathologist.

4 (8) "Audiology aide" means a person who meets minimum  
5 qualifications which the committee may establish for audiology  
6 aides, and who works under the direction of a licensed audiologist.  
7 The qualifications for licensure as an audiology aide shall be  
8 uniform and shall be less than those established by this Act as  
9 necessary for licensure as an audiologist.

10 Sec. 3. ADMINISTRATION. (a) The State Committee of  
11 Examiners for Speech Pathology and Audiology is created within the  
12 Texas Department of Health Resources. The committee consists of  
13 nine members appointed by the governor, with the advice and consent  
14 of two-thirds of the members of the senate present and voting, a  
15 quorum being present, to take office on the effective date of this  
16 Act. Members of the committee shall have been residents of the  
17 State of Texas for two years immediately preceding appointment and  
18 shall be representative of varying geographic regions of the state  
19 and from varying employment settings. Seven members shall have  
20 been engaged in rendering services, teaching, or research in speech  
21 pathology or audiology for at least five years and shall meet the  
22 qualifications for licensure under Section 10 of this Act. Of  
23 these seven members, three members shall be audiologists, three  
24 members shall be speech pathologists, and one member shall be  
25 either a speech pathologist or audiologist. Except for the initial  
26 appointees, all seven shall hold valid licenses under this law.



1 Two shall be public members, one of whom is a licensed physician  
2 board-certified in otolaryngology or pediatrics; the remaining  
3 public member, an interested citizen, may not be a licensee of the  
4 committee or of any board under this division. The members of the  
5 committee shall serve until the expiration of the term to which  
6 they have been appointed or until their successors have qualified.

7 (b) The initial appointments shall be determined by lot as  
8 follows: three members are appointed for terms which expire  
9 January 31, 1979; three members are appointed for terms which  
10 expire January 31, 1981, and three members are appointed for terms  
11 which expire January 31, 1983. After the initial appointments,  
12 members are appointed for terms of six years expiring on January 31  
13 of odd-numbered years.

14 (c) The committee shall organize annually and select a  
15 chairperson who, except for the initial chairperson, shall hold a  
16 valid license under this Act, a vice-chairperson, and a  
17 secretary-treasurer. The initial chairperson shall be one who  
18 meets the qualifications for licensing under this Act.

19 (d) Five members of the committee constitute a quorum to do  
20 business.

21 (e) No person may be appointed to serve more than two  
22 consecutive terms.

23 (f) The committee shall hold at least one regular meeting  
24 each year at which time an examination as defined in Section 12 of  
25 this Act shall be offered. Additional meetings may be held on the  
26 call of the chairperson or at the written request of any three



1 members of the committee. At least 14 days advance notice of  
2 committee meetings is required.

3       Sec. 4. DUTIES AND POWERS. (a) The committee shall  
4 administer, coordinate, and enforce the provisions of this Act,  
5 evaluate the qualifications of applicants, and supervise the  
6 examination of applicants. The committee may issue subpoenas,  
7 examine witnesses, and administer oaths under the state laws of  
8 Texas, and it shall investigate persons engaging in practices that  
9 violate the provisions of this Act, subject to the approval of the  
10 Director of Health Resources.

11       (b) The committee shall conduct hearings and keep records  
12 and minutes necessary to an orderly dispatch of the administration  
13 of this Act, subject to the approval of the Director of Health  
14 Resources.

15       (c) The committee shall adopt reasonable rules commensurate  
16 with the provisions of this Act, including rules that establish  
17 ethical standards of practice, and the committee may amend or  
18 repeal the rules adopted by it, all subject to the approval of the  
19 Director of Health Resources.

20       (d) A person who holds a license to practice speech  
21 pathology or audiology in this state is governed and controlled by  
22 the rules adopted by the committee and approved by the Director of  
23 Health Resources.

24       (e) The conferral or enumeration of specific powers  
25 elsewhere in this Act shall not be construed as a limitation of the  
26 general powers conferred by this section.

1 (f) The committee shall be represented by the attorney  
2 general and the district and county attorneys of this state.

3 (g) Officers and employees directly responsible for handling  
4 money paid to the committee shall execute a performance bond as  
5 required by the committee. The premium for the bond shall be paid  
6 from committee funds.

7 (h) The committee may appoint subcommittees to work under  
8 its jurisdiction, subject to the approval of the Director of Health  
9 Resources.

10 Sec. 5. COMPENSATION AND PAYMENT OF EXPENSES OF COMMITTEE.

11 (a) The committee members receive no compensation for their  
12 services, but they may receive reimbursement for actual expenses  
13 incurred in the administration of this Act.

14 (b) All expenses incurred by the committee in the  
15 administration of the provisions of this Act shall be paid by  
16 warrants drawn on the State Treasury by the comptroller when  
17 vouchers for expenses approved by the committee are submitted to  
18 the comptroller.

19 Sec. 6. EMPLOYEES OF THE COMMITTEE. The Texas Department of  
20 Health Resources shall provide such administrative and clerical  
21 employees as are necessary to carry out the provisions of this Act,  
22 with such employees being under the supervision and control of the  
23 committee.

24 Sec. 7. SEAL AND AUTHENTICATION OF RECORDS. The committee  
25 shall adopt a seal by which it shall authenticate its proceedings.  
26 Copies of the proceedings, records, and acts of the committee and

1 certificates purporting to relate the facts concerning the  
2 proceedings, records, and acts, signed by the secretary-treasurer  
3 and authenticated by the seal, are prima facie evidence in all  
4 courts of this state.

5 Sec. 8. LICENSING AND REGULATION OF SPEECH PATHOLOGISTS AND  
6 AUDIOLOGISTS. (a) Licenses shall be granted either in speech  
7 pathology or audiology independently. Persons may be licensed in  
8 both areas if they meet the qualifications.

9 (b) No persons may practice or represent themselves as  
10 speech pathologists or audiologists in this state after December  
11 31, 1977, unless they are licensed in accordance with the  
12 provisions of this Act.

13 (c) Any violation of this subsection shall constitute a  
14 deceptive trade practice.

15 Sec. 9. PERSONS AND PRACTICES NOT AFFECTED. (a) This Act  
16 does not prevent qualified persons licensed in this state under  
17 another law from engaging in the profession for which they are  
18 licensed.

19 (b) This Act does not prevent or restrict the activities and  
20 services and the use of an official title by persons holding a  
21 valid and current certification in speech and hearing therapy from  
22 the Central Education Agency if those persons perform speech  
23 pathology or audiology services solely as a part of their duties  
24 within an agency, institution, or organization under the  
25 jurisdiction of the Central Education Agency. If persons affected  
26 by this subsection perform work as speech pathologists or

1 audiologists apart from their positions within an agency,  
2 institution, or organization of the Central Education Agency, they  
3 must have a license issued by the committee, except that a person  
4 affected by this subsection may perform speech and hearing  
5 screening procedures without compensation without having a license  
6 issued by the committee.

7 (c) This Act does not restrict the activities and services  
8 of students or interns pursuing a course of study leading to a  
9 degree in speech pathology at a college or university accredited by  
10 the Southern Association of Colleges and Universities or its  
11 equivalent, provided that these activities and services constitute  
12 a part of their supervised course of study or internship year, that  
13 they are supervised by a person licensed under this Act, and that  
14 they are designated by a title such as "Speech Pathology Intern" or  
15 "Speech Pathology Trainee" or other title clearly indicating the  
16 training status appropriate to their level of training.

17 (d) This Act does not restrict activities and services of  
18 students or interns in audiology pursuing a course of study leading  
19 to a degree in audiology at a college or university accredited by  
20 the Southern Association of Colleges and Universities or its  
21 equivalent, provided that these activities and services constitute  
22 a part of their supervised course of study or internship year, that  
23 they are supervised by a person licensed under this Act, and that  
24 they are designated by a title such as "Audiology Intern" or  
25 "Audiology Trainee" or other title clearly indicating the training  
26 status appropriate to their level of training.

1           (e) This Act does not restrict the performance of speech  
2 pathology or audiology services in this state by a person not a  
3 resident of this state who is not licensed under this Act, if the  
4 services are performed for no more than five days in a calendar  
5 year and if the person meets the qualifications and requirements  
6 for application for licensure under this Act.

7           (f) This Act does not restrict the use of an official title  
8 by an individual teaching in a university or college training  
9 program, provided that the person is not engaged in the practice of  
10 speech pathology or audiology and does not supervise persons  
11 engaged in the practice of speech pathology or audiology.

12           (g) This Act does not permit a person to perform an act that  
13 would be in violation of Article 4510, Revised Civil Statutes of  
14 Texas, 1925, as amended. This Act does not permit a person to  
15 provide medical or surgical diagnosis or treatment of laryngeal or  
16 ear disorders.

17           (h) Nothing in this Act shall be construed as restricting or  
18 preventing a physician or surgeon from engaging in the practice of  
19 medicine in this state. This Act does not restrict speech or  
20 hearing testing or evaluation conducted by a licensed physician and  
21 surgeon or by a person under the control or supervision or at the  
22 instruction of one licensed to practice medicine in this state.

23           (i) This Act does not apply to persons employed by the Texas  
24 Department of Health Resources in its programs concerned with  
25 hearing or speech services as long as they are performing duties  
26 under the jurisdiction of the Texas Department of Health Resources.

1           (j) This Act does not apply to a person who shows evidence  
2 of having received training by the Texas Department of Health  
3 Resources in one of the hearing screening training programs  
4 approved by that agency, provided that all activities performed  
5 under this exception shall be limited to screening of hearing  
6 sensitivity.

7           (k) This Act does not license a person to sell hearing aids  
8 as defined in Chapter 366, Acts of the 61st Legislature, Regular  
9 Session, 1969 (Article 4566-1.01, Vernon's Texas Civil Statutes),  
10 unless the person has been issued a license to engage in the  
11 selling of hearing aids by the Texas Board of Examiners in the  
12 Fitting and Dispensing of Hearing Aids.

13           (l) This Act does not prevent or restrict a person licensed  
14 by the Texas Board of Examiners in the Fitting and Dispensing of  
15 Hearing Aids from engaging in the practice of fitting and  
16 dispensing hearing aids as defined in Chapter 366, Acts of the 61st  
17 Legislature, Regular Session, 1969 (Article 4566-1.01, Vernon's  
18 Texas Civil Statutes).

19           (m) This Act does not prevent persons in an industrial  
20 setting from engaging in hearing testing as a part of a hearing  
21 conservation program in compliance with regulations of the  
22 Occupational Safety and Health Administration, provided that such  
23 persons are certified by an agency acceptable to the Occupational  
24 Safety and Health Administration.

25           (n) This Act does not prevent or restrict speech or hearing  
26 sensitivity screening evaluations conducted by registered nurses

1 licensed by the laws of this state and practicing in accordance  
2 with the standards of professional conduct and ethics promulgated  
3 by the rules and regulations of the Board of Nurse Examiners.

4 Sec. 10. QUALIFICATION OF APPLICANTS FOR LICENSE. To be  
5 eligible for licensing as a speech pathologist or audiologist, an  
6 applicant must:

7 (1) be of good moral character;

8 (2) possess at least a master's degree from an accredited or  
9 approved college or university;

10 (3) submit transcripts from one or more colleges or  
11 universities showing that a total of 60 semester hours of academic  
12 credit has been successfully completed and that the applicant has  
13 obtained no less than the following:

14 (A) 12 semester hours in courses which provide information  
15 that pertains to normal development and use of speech, language,  
16 and hearing;

17 (B) 30 semester hours in courses that provide information  
18 about and training in evaluation and management of speech,  
19 language, and hearing disorders, at least 24 of which are in  
20 courses in the professional area for which the license is requested  
21 and at least six semester hours in audiology for the license in  
22 speech pathology or in speech pathology for the license in  
23 audiology and no more than six semester hours in courses that  
24 provide credit for clinical practice obtained during academic  
25 training;

26 (C) credit for study of information pertaining to related

1 fields that augment the work of the clinical practitioner of speech  
2 pathology or audiology sufficient to bring the applicant's total  
3 credit up to 60 hours; and

4 (D) 30 semester hours in courses that are acceptable toward  
5 a graduate degree by the college or university in which they are  
6 taken, 21 of which are within the 24 semester hours required in the  
7 professional area for which the license is requested or within the  
8 six semester hours required in the other professional area  
9 regulated by this Act;

10 (4) have completed a minimum of 300 clock hours of  
11 supervised clinical experience with individuals who present a  
12 variety of communication disorders, and this experience must have  
13 been obtained within his or her training institution or in one of  
14 its cooperating programs;

15 (5) have obtained the equivalent of nine months of full-time  
16 supervised professional experience in which bona fide clinical work  
17 has been accomplished in the major professional area for which the  
18 license is being sought under the supervision of a qualified person  
19 acceptable to the committee and must have begun after completion of  
20 the academic and clinical experiences required by this section.

21 Sec. 11. APPLICATION FOR LICENSE. Each person desiring a  
22 license under this Act shall make application to the committee on a  
23 form and in the manner the committee prescribes. The application  
24 shall be accompanied by the application fee which may not be  
25 refunded by the committee.

26 Sec. 12. EXAMINATION. (a) Each applicant shall be examined



1 by the committee and shall pay to the committee, at least 30 days  
2 prior to the date of examination, an examination fee prescribed by  
3 the committee, which is not refunded. The examination shall be  
4 given at least twice each year at a time and place established by  
5 and under the supervision of the committee.

6 (b) The committee may examine by written or oral examination  
7 or by both. The committee shall maintain a record of all  
8 examination scores for at least two years after the date of  
9 examination.

10 (c) Standards for acceptable performance shall be determined  
11 by the committee.

12 (d) The committee may examine in whatever theoretical or  
13 applied fields of speech pathology or audiology it deems  
14 appropriate. It may examine the candidates with regard to their  
15 professional skills and their judgment in the utilization of speech  
16 pathology or audiology techniques or methods.

17 (e) Persons who fail the examination may be examined at a  
18 subsequent time if they pay another application and examination  
19 fee. No applicant who has taken and failed to pass two  
20 examinations may take the examination until that person has  
21 presented evidence to the committee of additional study in the area  
22 for which licensure is sought.

23 (f) The committee may waive the examination for applicants  
24 who:

25 (1) present proof of current licensure in another state,  
26 including the District of Columbia, or territory of the United

1 States which maintains professional standards considered by the  
2 committee to be equivalent to those set forth in this Act; or

3 (2) hold the Certificate of Clinical Competence of the  
4 American Speech and Hearing Association in the area for which a  
5 license is being sought.

6 Sec. 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The  
7 committee, on request, must waive educational, professional  
8 experience, and examination requirements for licensure in speech  
9 pathology for applicants who hold a baccalaureate or graduate  
10 degree, are fully certified by the Central Education Agency in  
11 speech and hearing therapy or in the judgment of the committee have  
12 met equivalent requirements, and within two years prior to the  
13 effective date of this Act were engaged in the practice of speech  
14 pathology on proof of bona fide practice of speech pathology,  
15 presented to the committee in the manner prescribed by the  
16 committee's rules, provided they file an application for licensure  
17 with the committee or the Director of Health Resources within 90  
18 days from the effective date of this Act. Such licenses shall be  
19 issued without delay and shall be renewed in the same manner as  
20 licenses granted under other provisions of this Act.

21 (b) The committee, on request, shall waive educational,  
22 professional experience, and examination requirements for licensure  
23 in audiology for applicants who, on the effective date of this Act,  
24 hold a baccalaureate or graduate degree and have successfully  
25 completed 21 semester hours of course work in audiology, and are  
26 engaged in the practice of audiology on proof of bona fide practice

1 of audiology presented to the committee in the manner prescribed by  
2 the committee's rules, provided they file an application for  
3 licensure with the committee or the Director of Health Resources  
4 within 90 days from the effective date of this Act.

5 (c) The committee may waive the examination and grant  
6 licensure to an applicant who presents proof of current licensure  
7 in another state, including the District of Columbia, or territory  
8 of the United States which maintains professional standards  
9 considered by the committee to be equivalent to those set forth in  
10 this Act.

11 (d) The committee may waive the examination and grant  
12 licensure to an applicant who holds the Certificate of Clinical  
13 Competence of the American Speech and Hearing Association or has  
14 met equivalent requirements in the area for which a license is  
15 sought.

16 Sec. 14. ISSUANCE OF LICENSE. (a) The committee shall  
17 issue a license to an applicant who meets the requirements of this  
18 Act and who pays to the committee the initial license fee.

19 (b) A temporary certificate of registration may be applied  
20 for by a person who fulfills the requirements of Section 10 of this  
21 Act and who has not previously applied to take the examination  
22 provided under Section 12 of this Act.

23 (c) On receiving an application provided for under  
24 Subsection (b) of this section accompanied by the application fee,  
25 the committee shall issue a temporary certificate of registration  
26 which entitles the applicant to practice audiology or speech

1 pathology for a period ending eight weeks after the conclusion of  
2 the next examination given after the date of issue.

3       Sec. 15. RENEWAL OF LICENSE. (a) Each licensed speech  
4 pathologist or audiologist shall annually on or before January 30  
5 pay to the committee a fee for a renewal of his license. A 30-day  
6 grace period shall be allowed after January 30. After expiration  
7 of the grace period, the committee may renew each license after  
8 payment of a penalty set by the committee. No person who applies  
9 for renewal within two years after the date of expiration of the  
10 license may be required to submit to an examination as a condition  
11 to renewal.

12       (b) Persons who fail to renew their license within two years  
13 after the date of its expiration may not renew it, and it may not  
14 be restored, reissued, or reinstated thereafter, but those persons  
15 may apply for and obtain a new license if they meet the  
16 requirements of this Act.

17       (c) Within three years of the effective date of this Act,  
18 renewal of a license is contingent on the applicant's meeting  
19 uniform continuing education requirements established by the  
20 committee. These continuing education requirements must be of such  
21 a nature that they can be met without necessitating an extended  
22 absence from the licensee's county of residence. Notice of  
23 continuing education requirements shall be sent to all persons  
24 licensed under this Act at least 12 months prior to the time that  
25 the person's license renewal is dependent on completion of the  
26 requirements. Continuing education requirements shall be sent to

1 new applicants with the forms on which they are to apply for  
2 licensure. Notification of changes in continuing education  
3 requirements shall be sent to persons licensed under this Act at  
4 least one year prior to the date on which the new requirements  
5 become effective.

6 (d) A suspended license is subject to expiration and may be  
7 renewed as provided in this Act, but the renewal does not entitle  
8 the licensee, while the license remains suspended and until it is  
9 reinstated, to engage in the licensed activity or in any other  
10 activity or conduct in violation of the order or judgment by which  
11 the license was suspended. A license revoked on disciplinary  
12 grounds is subject to expiration as provided in this Act, but it  
13 may not be renewed. If it is reinstated after its expiration, the  
14 licensee, as a condition of reinstatement, shall pay a  
15 reinstatement fee in an amount equal to the renewal fee in effect  
16 on the last preceding regular renewal date before the date on which  
17 it is reinstated, plus the delinquency fee, if any, accrued at the  
18 time of the license revocation.

19 (e) All licenses expire and become invalid one year from the  
20 date of issuance if not renewed.

21 Sec. 16. FEES. The amount of fees initially prescribed in  
22 connection with a license as a speech pathologist or audiologist  
23 shall not exceed the following:

24 (1) Application fee: \$50

25 (2) Examination fee: \$25

26 (3) Initial license fee: \$50

1 (4) License renewal fee: \$50

2 (5) Delinquency fee: \$25

3 (6) Temporary license fee: \$15

4 (7) Duplicate license fee: \$10

5 The committee shall adjust the amount of the fees so that the total  
6 fees collected will be sufficient to meet the expenses of  
7 administering this Act and so that unnecessary surpluses in the  
8 fund provided for in Section 20 of this Act are avoided.

9 Sec. 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The  
10 committee may refuse to issue a license to an applicant or may  
11 suspend or revoke the license of any licensee for any of the  
12 following causes:

13 (1) obtaining a license by means of fraud,  
14 misrepresentation, or concealment of material facts;

15 (2) selling, bartering, or offering to sell or barter a  
16 license or certificate of registration;

17 (3) unprofessional conduct that has endangered or is likely  
18 to endanger the health, welfare, or safety of the public as defined  
19 by the rules established by the committee, or violation of the code  
20 of ethics adopted and published by the committee;

21 (4) violating any lawful order or rule rendered or adopted  
22 by the committee; or

23 (5) violating any provisions of this Act.

24 (b) The committee shall deny an application for, or suspend  
25 or revoke, or impose probationary conditions on, a license as  
26 ordered by the committee in any decision made after hearing as

1 provided in this Act. One year from the date of revocation of a  
2 license under this Act, application may be made to the committee  
3 for reinstatement. The committee shall have discretion to accept  
4 or reject an application for reinstatement and may require an  
5 examination for the reinstatement.

6 (c) A plea or verdict of guilty or a conviction following a  
7 plea of nolo contendere made to a charge of a felony or of an  
8 offense involving moral turpitude is deemed to be a conviction  
9 within the meaning of this Act. At the direction of the committee  
10 the license may be suspended or revoked, or the committee may  
11 decline to issue a license when the time for appeal of the  
12 conviction has elapsed or the judgment or conviction has been  
13 affirmed on appeal, or when an order granting probation is made  
14 suspending the imposition of sentence irrespective of a subsequent  
15 order allowing a person to withdraw his or her plea of guilty, or  
16 setting aside the verdict of guilty, or dismissing the information  
17 or indictment.

18 Sec. 18. PENALTIES. (a) A person who violates any of the  
19 provisions of this Act is guilty of a misdemeanor and on conviction  
20 may be punished by confinement in the county jail not exceeding six  
21 months, or by a fine not exceeding \$1,000, or by both.

22 (b) If a person other than a licensed speech pathologist or  
23 audiologist has engaged in any act or practice which constitutes an  
24 offense under this Act, a district court of any county, on  
25 application of the committee, may issue an injunction or other  
26 appropriate order restraining such conduct.

1           Sec. 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION OF  
2 A LICENSE. (a) A person whose application for a license is denied  
3 is entitled to a hearing before the committee if such person  
4 submits a written request to the committee.

5           (b) Proceedings for revocation or suspension of a license  
6 shall be commenced by filing charges with the committee in writing  
7 and under oath. The charges may be made by any person or persons.

8           (c) The chairperson of the committee shall fix a time and  
9 place for a hearing and shall cause a written copy of the charges  
10 or reason for denial of a license, together with a notice of the  
11 time and place fixed for the hearing, to be served on the applicant  
12 requesting the hearing or the licensee against whom the charges  
13 have been filed at least 20 days prior to the date set for the  
14 hearing. Service of charges and notice of hearing may be given by  
15 certified mail to the last known address of the licensee or  
16 applicant.

17           (d) At the hearing the applicant or licensee has the right  
18 to appear either personally or by counsel, or both, to produce  
19 witnesses, to have subpoenas issued by the committee, and to  
20 cross-examine opposing or adverse witnesses.

21           (e) The committee shall determine the charges on their  
22 merits and enter an order in a permanent record setting forth the  
23 findings of fact and law and the action taken. A copy of the order  
24 of the committee shall be mailed to the applicant or licensee at  
25 his or her last known address by certified mail.

26           (f) An individual whose application for a license has been



1 refused or whose license has been cancelled, revoked, or suspended  
2 by the committee may take an appeal, within 20 days after the order  
3 is entered, to any district court of Travis County or to any  
4 district court of the county of his or her residence.

5 (g) A case reviewed under the provisions of this section  
6 proceeds in the district court by trial de novo in the same manner  
7 as an appeal to the county court from the justice of the peace  
8 court.

9 (h) In all appeals prosecuted in any of the courts of this  
10 state pursuant to the provisions of this Act, such trials shall be  
11 de novo as that term is used and understood in appeals from justice  
12 of the peace courts to county courts. Under no circumstances shall  
13 the substantial evidence rule as interpreted and applied by the  
14 courts in Texas in other cases ever be used or applied to appeals  
15 prosecuted under the provisions of this Act.

16 Sec. 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds  
17 received by the committee under this Act shall be paid to the  
18 secretary-treasurer of the committee. All money shall be deposited  
19 in the State Treasury in a separate fund to be known as the speech  
20 pathology and audiology fund.

21 (b) All expenses for the administration of the Act shall be  
22 paid from fees collected by the committee under this Act, and fees  
23 paid to the speech pathology and audiology fund are allocated to  
24 the committee for that purpose.

25 (c) Funds shall be appropriated to the committee for the  
26 implementation of this Act, said funds coming from the General

1 Revenue Fund for the first year.

2       Sec. 21. REVENUE. The committee shall report to the state  
3 comptroller at the beginning of each month the amount and source of  
4 all revenue received by it during the preceding month, and at that  
5 time shall pay the entire amount thereof into the speech pathology  
6 and audiology fund.

7       Sec. 22. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The  
8 provisions of Chapter 95, Acts of the 51st Legislature, Regular  
9 Session, 1949, as amended (Article 4590c, Vernon's Texas Civil  
10 Statutes), do not apply to audiologists or speech pathologists duly  
11 qualified and licensed under this Act who confine their activity to  
12 the areas specified in this Act.

13       Sec. 23. SUNSET PROVISION. Unless reenacted, the provisions  
14 of this Act shall be without effect after August 31, 1987.

15       Sec. 24. EFFECTIVE DATE. This Act is effective September 1,  
16 1977.

17       Sec. 25. EMERGENCY. The importance of this legislation and  
18 the crowded condition of the calendars in both houses create an  
19 emergency and an imperative public necessity that the  
20 constitutional rule requiring bills to be read on three several  
21 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Bill Clayton  
Speaker of the House of Representatives

4/26  
(date)

Sir:

We, your COMMITTEE ON HEALTH & WELFARE, to whom was referred S.B. 440  
have had the same under consideration and beg to report back with the recommendation that it (measure)

- ( ) do pass, without amendment.  
( ) do pass, with amendment(s).  
( X ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested on 5/6/77 and is attached as part of this report.  
(date)

~~Author's fiscal statement attached.~~

~~The Committee recommends that this measure be placed on the (Local / Consent) Calendar.~~

This measure ( X ) proposes new law.  
( ) amends existing law.

House Sponsor of Senate Measure Weddington

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wilson, J.			X	
Madla	X			
Whitehead				X
Ezzell				X
Delco	X			
Florence		X		
Glossbrenner	X			
Gonzales	X			
Miller	X			
Orr	X			
Untermeyer	X			
Vaughan	X			
Von Dohlen	X			

Total:  
9 aye  
1 nay  
1 present, not voting  
2 absent

John Wilson  
CHAIRMAN  
Reynolds  
COMMITTEE COORDINATOR

Bill Analysis

Background Information:

Presently there are no Texas statutes relating to the licensure or regulation of speech pathologists or audiologists.

What the Bill Proposes to Do:

Gives the State regulatory authority over speech pathologists and audiologists, and to this end, creates the State Committee of Examiners for Speech Pathology and Audiology. Sets forth powers and duties of the Committee and sets forth requirements for licensure, exemptions and penalties. Sets up the speech pathology and audiology fund. The Act becomes effective September 1, 1977 and unless reenacted the provisions of the Act will no longer be effective after August 31, 1987.

Section by Section Analysis:

Section 1. Sets forth the Purpose of the Bill.

Section 2. Defines "Committee", "Person", "Speech Pathologist", a person who "represents himself to be a speech pathologist", "The practice of speech pathology", "Audiologist", a person who "represents himself to be an audiologist", "The practice of audiology", "Speech pathology aide", and Audiology aide", "Board" and "Department".

Section 3. Creates the State Committee of Examiners for Speech Pathology and Audiology within the Texas Department of Health Resources. Provides that the Committee shall consist of nine members appointed by the Governor, and sets forth qualifications for membership on the Committee, terms of office, and organizational requirements.

Section 4. Sets duties and powers of the Committee.

Section 5. Provides that members of the Committee shall receive no pay, but shall be reimbursed for expenses, and provides that all Committee expenses shall be paid out of the State Treasury.

Section 6. Provides that the Texas Department of Health Resources shall provide administrative and clerical employees to the Committee.

Section 7. Provides for the adoption of a seal by the Committee and for the authentication of records.

Section 8. Provides for the licensing of speech pathologists and audiologists, prohibits the practice of such fields by an unlicensed person after December 31, 1977, and makes a violation of this section a deceptive trade practice.

Section 9. Provides that persons and practices not affected include:

- (a) A person licensed under another law.

(b) A person who performs speech or hearing therapy for an institution under the jurisdiction of the Texas Education Agency;

(c) A student of speech pathology;

(d) A student of audiology;

(e) A non-resident of this State who performs services no more than five days in a year, if the person otherwise meets the qualifications and requirements of application for licensure under this Act;

(f) A person who teaches in a college program, but does not engage in or supervise persons engaged in the practice of speech pathology or audiology;

(g) The Act does not permit a person to perform an act that would be in violation of Article 4510, V.A.T.S., the practice of medicine, or to provide medical or surgical diagnosis or treatment of laryngeal (throat) or ear disorders;

(h) Licensed physicians and surgeons are not affected;

(i) Persons employed by the Texas Department of Health Resources performing hearing or speech services under the jurisdiction of the Department;

(j) Persons who screen hearing sensitivity who show evidence of having received training by the Texas Department of Health Resources;

(k) The Act does not license a person to select, fit, dispense or sell hearing aids.

(l) Persons licensed by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; and

(m) Persons engaged in hearing conservation programs certified by the Occupational Safety and Health Administration.

Section 10. Sets forth eligibility requirements for licensing as a speech pathologist or audiologist, including academic qualifications and clinical and professional experience, and provides that the Committee may make reasonable changes in the qualifications required.

Section 11. Provides that applications and fees must be filed with the Committee.

Section 12. Sets forth requirements for licensure examinations.

Section 13. Provides that the Committee shall waive requirements for licensure for those who meet certain educational standards or have met equivalent requirements. Further provides for licensing of those licensed in another state or territory and for those persons who hold the Certificate of Clinical Competence of the American Speech and Hearing Association.

Section 14. Provides for the issuance of licenses to qualified applicants and for the issuance of temporary certificates of registration.

Section 15.

subsection (a). Sets forth provisions for annual license renewal.

subsection (b). Provides that a person who fails to renew his license within two years may not have his license restored, reissued, or reinstated, but may apply for a new license.

subsection (c). Sets forth requirements for continuing education. Within three years of the effective date of this Act, license renewal will be contingent upon continuing education requirements established by the Committee.

subsection (d). Sets forth requirements for renewal or reinstatement of suspended licenses.

subsection (e). Provides that licenses expire one year after issuance if not renewed.

Section 16. Sets a schedule of fees.

Section 17. Sets forth circumstances under which the committee may deny, suspend, or revoke a license.

Section 18. Provides that a violation of this Act is a misdemeanor punishable by confinement of up to six months, or a fine of up to \$1,000, or both. Further provides that persons not licensed under this Act may be enjoined from engaging in activities which are in violation of this Act.

Section 19. Sets forth procedures for denial, revocation, and suspension of licenses. Provides for hearing by the committee upon a written request. Provides that appeals may be taken to a district court of Travis County or the county of the licensee's residence. Further provides that such cases shall be heard at a trial de novo.

Section 20. Sets forth disposition of funds.

Section 21. Provides that the committee shall report all revenue to the State Comptroller.

Section 22. Provides that the provisions of Article 4590c, V.A.T.S., Basic Science Law, do not apply to persons licensed under this Act.

Section 23. Provides that, unless reenacted, this Act shall be without effect after August 31, 1987.

Section 24. Provides that all duties, powers, and authority conferred on the committee are subject to the supervision and approval of the Board.

Section 25. Provides that provisions of Article 4590f, V.A.T.S., control if provisions of the two acts conflict.

Section 26. Provides for September 1, 1977 effective date.

Section 27. Severability Clause.

Section 28. Emergency Clause.

Summary of Committee Action:

Public notice having been posted in compliance with Rule V, Section 14, on H.B. 676, the committee considered the companion

bill, S.B. 440, in public hearing on March 28, 1977.

The bill was referred to a subcommittee and was reported back to the full committee favorably on April 20, 1977, as substituted.

In a public hearing on April 26, 1977 the committee reported the bill back favorably to the Floor of the House by a vote of 9 ayes and 1 nay, as substituted.

Comparison of Substitute with Original Bill:

The substitute incorporates several technical amendments requested by the Department of Health Resources. The committee membership is changed to four speech pathologists and two audiologists. Persons may not select, fit, dispense, or sell hearing aids based on licensure under this Act. The license renewal fee is reduced to \$25.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 6, 1977

Honorable John Wilson, Chairman  
Committee on Health and Welfare  
House of Representatives  
Austin, Texas

In Re: House Committee Substitute  
for Senate Bill No. 440

Sir:

In response to your request pursuant to House Rule V, Subsection 28, this office finds the fiscal implications of the House Committee Substitute for Senate Bill No. 440 (relating to the licensing and regulation of speech pathologists and audiologists) to be as follows:

The bill would make no appropriation but would constitute prior legislative authorization for an appropriative request.

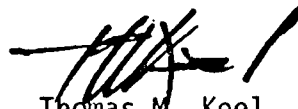
The bill, if enacted, would create a nine member state committee of examiners for Speech Pathology and Audiology within the Texas Department of Health Resources. One employee, travel and other operating expenses necessary to carry out the provisions of the bill would be required. In fiscal year 1978, the expenses incurred pursuant to the bill would be financed through General Revenue. In subsequent years such expenses would be financed through fee collections. The maximum fees are set forth in Section 16, beginning at line 24, page 17. Fees shall be deposited in the State Treasury in a Speech Pathology and Audiology Fund.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Fiscal Year	Estimated Expenditures		Revenues to Speech Pathology and Audiology Fund
	General Revenue	Speech Pathology and Audiology Fund	
1978	\$33,124	-0-	\$99,000
1979	-0-	\$26,853	36,200
1980	-0-	26,953	39,850
1981	-0-	27,063	43,875
1982	-0-	27,173	48,175

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication or additional cost to the State, or statewide impact on units of local government of the same type or class, attributable to the bill, should it be enacted, is anticipated.

  
Thomas M. Keel  
Director

Source: Department of Health Resources; LBB Staff



Date MAY 25 1977  
Read and Adopted

*Betty Mursey*

By: Jones of Harris, Mauzy, Brooks, Chief Clerk S.B. No. 440  
House of Representatives

Substitute the following for S.B. No. 440:

By: Untermyer

House Committee Substitute  
C.S.B. No. 440

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of speech pathologists and audiologists; providing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. PURPOSE. It is the policy of this state that in order to safeguard the public health, safety, and welfare and to protect the public from unprofessional conduct by speech pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

Sec. 2. DEFINITIONS. In this Act:

(1) "Committee" means the State Committee of Examiners for Speech Pathology and Audiology.

(2) "Person" means an individual, corporation, partnership, or other legal entity.

(3) (A) "Speech pathologist" means an individual who practices speech pathology, who makes a nonmedical evaluation, who examines, counsels, or provides habilitative or rehabilitative services for persons who have or are suspected of having speech, voice, or language disorders, and who meets the qualifications set forth in this Act.

(B) A person represents himself or herself to be a "speech pathologist" when such person holds himself or herself out to the public by a title or description of services incorporating the words "speech pathology," "speech pathologist," "speech therapy," 1/2

Type & proof this

→ 5-28-77

1 "speech therapist," "speech correction," "speech correctionist,"  
2 "speech and hearing therapy," "speech and hearing therapist,"  
3 "speech and hearing specialist," "speech and hearing clinician,"  
4 "language therapy," "language therapist," "voice pathology," "voice  
5 pathologist," "voice therapy," "voice therapist," "logopedics,"  
6 "logopedist," "communicology," "communicologist," "aphasiologist,"  
7 "phoniatrist," "speech clinician," "speech clinic," "speech  
8 center," or similar or related term or terms, titles, or  
9 description of services.

10 (4) "The practice of speech pathology" means the application  
11 of principles, methods, and procedures for the measurement,  
12 testing, evaluation, prediction, counseling, habilitation,  
13 rehabilitation, or instruction related to the development and  
14 disorders of speech, voice, or language for the purpose of  
15 rendering or offering to render an evaluation, prevention, or  
16 modification of these disorders and conditions in individuals or  
17 groups of individuals. Speech pathologists may perform the basic  
18 audiometric screening tests and hearing therapy procedures  
19 consistent with their training.

20 (5) (A) "Audiologist" means a person who practices  
21 audiology, who makes a nonmedical evaluation, who examines,  
22 counsels, or provides habilitative or rehabilitative services for  
23 persons who have or are suspected of having a hearing disorder, and  
24 who meets the qualifications set forth in this Act.

25 (B) A person represents himself or herself to be an  
26 "audiologist" when such person holds himself or herself out to the<sup>2/3</sup>

public by any title or description of services incorporating the terms "audiology," "audiologist," "audiometry," "audiometrist," "otometry," "otometrist," "hearing therapy," "hearing therapist," "hearing clinician," "hearing clinic," "hearing center," "audiological," "audiometrics," or similar or related terms, titles, or description of services, but shall not include a person engaging in the sale, repair, and calibration of audiometers, audiometric testing devices, and audiometric calibration equipment.

(6) "The practice of audiology" means the application of principles, methods, and procedures for the measurement, testing, appraisal, prediction, consultation, counseling, habilitation, rehabilitation, or instruction related to hearing and disorders of hearing for the purpose of rendering or offering to render services modifying communicative disorders involving speech, language, auditory function, or other aberrant behavior relating to hearing loss. An audiologist may engage in any tasks, procedures, acts, or practices that are necessary (A) for the evaluation of hearing or (B) for training in the use of amplification including hearing aids. An audiologist may participate in consultation regarding noise control and hearing conservation, may provide evaluations of environment or equipment in hearing conservation programs including calibration of equipment used in testing auditory functioning and hearing conservation, and may perform the basic speech and language screening tests and procedures consistent with his or her training.

(7) "Speech pathology aide" means a person who meets minimum qualifications which the committee may establish for speech

3/4

1 pathology aides, and who works under the direction of a licensed  
2 speech pathologist. The qualifications for licensure as a speech  
3 pathology aide shall be uniform and shall be less than those  
4 established by this Act as necessary for licensure as a speech  
5 pathologist.

6 (8) "Audiology aide" means a person who meets minimum  
7 qualifications which the committee may establish for audiology  
8 aides, and who works under the direction of a licensed audiologist.  
9 The qualifications for licensure as an audiology aide shall be  
10 uniform and shall be less than those established by this Act as  
11 necessary for licensure as an audiologist.

12 (9) "Board" means the State Board of Health Resources.

13 (10) "Department" means the State Department of Health  
14 Resources.

15 Sec. 3. ADMINISTRATION. (a) The State Committee of  
16 Examiners for Speech Pathology and Audiology is created within the  
17 department and is subject to all rules of the board. The committee  
18 consists of nine members appointed by the governor, with the advice  
19 and consent of two-thirds of the members of the senate present and  
20 voting, a quorum being present, to take office on the effective  
21 date of this Act. Members of the committee shall have been  
22 residents of the State of Texas for two years immediately preceding  
23 appointment and shall be representative of varying geographic  
24 regions of the state and from varying employment settings. Six  
25 members shall have been engaged in rendering services, teaching, or  
26 research in speech pathology or audiology for at least five years

4/5

1 and shall meet the qualifications for licensure under Section 10 of  
2 this Act. Of these six members, four members shall be  
3 speech pathologists and two members shall be audiologists.

4 Except  
5 for the initial appointees, all six shall hold valid licenses  
6 under this law. Two shall be public members, one of whom is a  
7 licensed physician board-certified in otolaryngology or pediatrics;  
8 the remaining public member, an interested citizen, may not be a  
9 licensee of the committee or of the department. The members of the  
10 committee shall serve until the expiration of the term to which  
11 they have been appointed or until their successors have qualified.

12 (b) The initial appointments shall be determined by lot as  
13 follows: three members are appointed for terms which expire  
14 January 31, 1979; three members are appointed for terms which  
15 expire January 31, 1981, and three members are appointed for terms  
16 which expire January 31, 1983. After the initial appointments,  
17 members are appointed for terms of six years expiring on January 31  
18 of odd-numbered years.

19 (c) The committee shall organize annually and select a  
20 chairperson who, except for the initial chairperson, shall hold a  
21 valid license under this Act, a vice-chairperson, and a  
22 secretary-treasurer. The initial chairperson shall be one who  
23 meets the qualifications for licensing under this Act.

24 (d) Five members of the committee constitute a quorum to do  
25 business.

26 (e) No person may be appointed to serve more than two

consecutive terms.

(f) The committee shall hold at least one regular meeting each year at which time an examination as defined in Section 12 of this Act shall be offered. Additional meetings may be held on the call of the chairperson or at the written request of any three members of the committee. At least 14 days advance notice of committee meetings is required.

Sec. 4. DUTIES AND POWERS. (a) The committee shall administer, coordinate, and enforce the provisions of this Act, evaluate the qualifications of applicants, and supervise the examination of applicants. The committee may issue subpoenas, examine witnesses, and administer oaths under the state laws of Texas, and it shall investigate persons engaging in practices that violate the provisions of this Act, subject to the approval of the board.

(b) The committee shall conduct hearings and keep records and minutes necessary to an orderly dispatch of the administration of this Act, subject to the approval of the board.

(c) The committee shall adopt reasonable rules commensurate with the provisions of this Act, including rules that establish ethical standards of practice, and the committee may amend or repeal the rules adopted by it, all subject to the approval of the board.

(d) A person who holds a license to practice speech pathology or audiology in this state is governed and controlled by the rules adopted by the committee and approved by the board.

1 (e) The conferral or enumeration of specific powers  
2 elsewhere in this Act shall not be construed as a limitation of the  
3 general powers conferred by this section.

4 (f) The committee shall be represented by the attorney  
5 general and the district and county attorneys of this state.

6 (g) Officers and employees directly responsible for handling  
7 money paid to the committee shall execute a performance bond as  
8 required by the committee. The premium for the bond shall be paid  
9 from committee funds.

10 (h) The committee may appoint subcommittees to work under  
11 its jurisdiction, subject to the approval of the board.

12 Sec. 5. COMPENSATION AND PAYMENT OF EXPENSES OF COMMITTEE.

13 (a) The committee members receive no compensation for their  
14 services, but they may receive reimbursement for expenses incurred  
15 in the administration of this Act according to the payment and  
16 reimbursement policies of the department.

17 (b) All expenses incurred by the committee in the  
18 administration of the provisions of this Act shall be paid by  
19 warrants drawn on the State Treasury by the comptroller when  
20 vouchers are approved by the committee and department and are  
21 submitted through the department to the comptroller.

22 Sec. 6. EMPLOYEES OF THE COMMITTEE. The department shall  
23 provide such administrative and clerical employees as the  
24 department considers necessary to carry out the provisions of this  
25 Act.

26 Sec. 7. SEAL AND AUTHENTICATION OF RECORDS. The committee

shall adopt a seal by which it shall authenticate its proceedings.<sup>7/8</sup>  
Copies of the proceedings, records, and acts of the committee and  
certificates purporting to relate the facts concerning the  
proceedings, records, and acts, signed by the secretary-treasurer  
and authenticated by the seal, are prima facie evidence in all  
courts of this state.

Sec. 8. LICENSING AND REGULATION OF SPEECH PATHOLOGISTS AND  
AUDIOLOGISTS. (a) Licenses shall be granted either in speech  
pathology or audiology independently. Persons may be licensed in  
both areas if they meet the qualifications.

(b) No persons may practice or represent themselves as  
speech pathologists or audiologists in this state after ~~December~~ April 30, 1978,  
~~31, 1977~~ unless they are licensed in accordance with the  
provisions of this Act.

(c) Any violation of this subsection shall constitute a  
deceptive trade practice.

Sec. 9. PERSONS AND PRACTICES NOT AFFECTED. (a) This Act  
does not prevent qualified persons licensed in this state under  
another law from engaging in the profession for which they are  
licensed.

(b) This Act does not prevent or restrict the activities and  
services and the use of an official title by persons holding a  
valid and current certification in speech and hearing therapy from  
the Central Education Agency if those persons perform speech  
pathology or audiology services solely as a part of their duties  
within an agency, institution, or organization under the



jurisdiction of the Central Education Agency. If persons affected<sup>8/9</sup> by this subsection perform work as speech pathologists or audiologists apart from their positions within an agency, institution, or organization of the Central Education Agency, they must have a license issued by the committee, except that a person affected by this subsection may perform speech and hearing screening procedures without compensation without having a license issued by the committee.

(c) This Act does not restrict the activities and services of students or interns pursuing a course of study leading to a degree in speech pathology at a college or university accredited by the Southern Association of Colleges and Universities or its equivalent, provided that these activities and services constitute a part of their supervised course of study or internship year, that they are supervised by a person licensed under this Act, and that they are designated by a title such as "Speech Pathology Intern" or "Speech Pathology Trainee" or other title clearly indicating the training status appropriate to their level of training.

(d) This Act does not restrict activities and services of students or interns in audiology pursuing a course of study leading to a degree in audiology at a college or university accredited by the Southern Association of Colleges and Universities or its equivalent, provided that these activities and services constitute a part of their supervised course of study or internship year, that they are supervised by a person licensed under this Act, and that they are designated by a title such as "Audiology Intern" or

1 "Audiology Trainee" or other title clearly indicating the training<sup>9/10</sup>  
2 status appropriate to their level of training.

3 (e) This Act does not restrict the performance of speech  
4 pathology or audiology services in this state by a person not a  
5 resident of this state who is not licensed under this Act, if the  
6 services are performed for no more than five days in a calendar  
7 year and if the person meets the qualifications and requirements  
8 for application for licensure under this Act.

9 (f) This Act does not restrict the use of an official title  
10 by an individual teaching in a university or college training  
11 program, provided that the person is not engaged in the practice of  
12 speech pathology or audiology and does not supervise persons  
13 engaged in the practice of speech pathology or audiology.

14 (g) This Act does not permit a person to perform an act that  
15 would be in violation of Article 4510, Revised Civil Statutes of  
16 Texas, 1925, as amended. This Act does not permit a person to  
17 provide medical or surgical diagnosis or treatment of laryngeal or  
18 ear disorders.

19 (h) Nothing in this Act shall be construed as restricting or  
20 preventing a physician or surgeon from engaging in the practice of  
21 medicine in this state. This Act does not restrict speech or  
22 hearing testing or evaluation conducted by a licensed physician and  
23 surgeon or by a person under the control or supervision or at the  
instruction of one licensed to practice medicine in this state.

25 (i) This Act does not apply to persons employed by or  
26 responsible to the department in its programs concerned with

hearing or speech services as long as they are performing duties<sup>11/11</sup>  
under the jurisdiction of the department.

(j) This Act does not apply to a person who shows evidence of having completed training by the Texas Department of Health Resources in one of the hearing screening training programs approved by that agency, provided that all activities performed under this exception shall be limited to screening of hearing sensitivity.

*Insert House am. #1*  
(k) This Act does not license a person to ~~select, fit, dispense or~~ sell hearing aids as defined in Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.01, Vernon's Texas Civil Statutes), unless the person has been issued a license to engage in the selling of hearing aids by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

(l) This Act does not prevent or restrict a person licensed by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids from engaging in the practice of fitting and dispensing hearing aids as defined in Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.01, Vernon's Texas Civil Statutes).

(m) This Act does not prevent persons in an industrial setting from engaging in hearing testing as a part of a hearing conservation program in compliance with regulations of the Occupational Safety and Health Administration of the U.S. Department of Labor, the requirements of Article 5182a, 4477-1 and 459 of Vernon's Texas Civil Statutes, and the rules of the board<sup>11/12</sup>

1 promulgated pursuant to these statutes.

2 (n) This Act does not prevent or restrict speech or hearing  
3 sensitivity screening evaluations conducted by registered nurses  
4 licensed by the laws of this state and practicing in accordance  
5 with the standards of professional conduct and ethics promulgated  
6 by the rules and regulations of the Board of Nurse Examiners.

7 Sec. 10. QUALIFICATION OF APPLICANTS FOR LICENSE. To be  
8 eligible for licensing as a speech pathologist or audiologist, an  
9 applicant must:

10 (1) be of good moral character;

11 (2) possess at least a master's degree from an accredited or  
12 approved college or university;

13 (3) submit transcripts from one or more colleges or  
14 universities showing that a total of 60 semester hours of academic  
15 credit has been successfully completed and that the applicant has  
16 obtained no less than the following:

17 (A) 12 semester hours in courses which provide information  
18 that pertains to normal development and use of speech, language,  
19 and hearing;

20 (B) 30 semester hours in courses that provide information  
21 about and training in evaluation and management of speech,  
22 language, and hearing disorders, at least 24 of which are in  
23 courses in the professional area for which the license is requested  
24 and at least six semester hours in audiology for the license in  
25 speech pathology or in speech pathology for the license in  
26 audiology and no more than six semester hours in courses that

1 provide credit for clinical practice obtained during academic  
2 training;

3 (C) credit for study of information pertaining to related  
4 fields that augment the work of the clinical practitioner of speech  
5 pathology or audiology sufficient to bring the applicant's total  
6 credit up to 60 hours; and

7 (D) 30 semester hours in courses that are acceptable toward  
8 a graduate degree by the college or university in which they are  
9 taken, 21 of which are within the 24 semester hours required in the  
10 professional area for which the license is requested or within the  
11 six semester hours required in the other professional area  
12 regulated by this Act;

13 (4) have completed a minimum of 300 clock hours of  
14 supervised clinical experience with individuals who present a  
15 variety of communication disorders, and this experience must have  
16 been obtained within his or her training institution or in one of  
17 its cooperating programs;

18 (5) have obtained the equivalent of nine months of full-time  
19 supervised professional experience in which bona fide clinical work  
20 has been accomplished in the major professional area for which the  
21 license is being sought under the supervision of a qualified person  
22 acceptable to the committee and must have begun after completion of  
23 the academic and clinical experiences required by this section.

24 Sec. 11. APPLICATION FOR LICENSE. Each person desiring a  
25 license under this Act shall make application to the committee on a  
26 form and in the manner the committee prescribes. The application

1 shall be accompanied by the application fee which may not be  
2 refunded by the committee.

3 Sec. 12. EXAMINATION. (a) Each applicant shall be examined  
4 by the committee and shall pay to the committee, at least 30 days  
5 prior to the date of examination, an examination fee prescribed by  
6 the committee, which is not refunded. The examination shall be  
7 given at least twice each year at a time and place established by  
8 and under the supervision of the committee.

9 (b) The committee may examine by written or oral examination  
10 or by both. The committee shall maintain a record of all  
11 examination scores for at least two years after the date of  
12 examination.

13 (c) Standards for acceptable performance shall be determined  
14 by the committee.

15 (d) The committee may examine in whatever theoretical or  
16 applied fields of speech pathology or audiology it deems  
17 appropriate. It may examine the candidates with regard to their  
18 professional skills and their judgment in the utilization of speech  
19 pathology or audiology techniques or methods.

20 (e) Persons who fail the examination may be examined at a  
21 subsequent time if they pay another application and examination  
22 fee. No applicant who has taken and failed to pass two  
23 examinations may take the examination until that person has  
24 presented evidence to the committee of additional study in the area  
25 for which licensure is sought.

26 (f) The committee may waive the examination for applicants

1 who:

2 (1) present proof of current licensure in another state,  
3 including the District of Columbia, or territory of the United  
4 States which maintains professional standards considered by the  
5 committee to be equivalent to those set forth in this Act; or

6 (2) hold the Certificate of Clinical Competence of the  
7 American Speech and Hearing Association in the area for which a  
license is being sought.

9 Sec. 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The  
10 committee, on request, must waive educational, professional  
11 experience, and examination requirements for licensure in speech  
12 pathology for applicants who hold a baccalaureate or graduate  
13 degree, are fully certified by the Central Education Agency in  
14 speech and hearing therapy or in the judgment of the committee have  
15 met equivalent requirements, and within two years prior to the  
16 effective date of this Act were engaged in the practice of speech  
17 pathology on proof of practice of speech pathology, presented to  
18 the committee in the manner prescribed by the committee's rules,  
19 provided they file an application for licensure with the committee  
20 or the Director of Health Resources within 90 days from the  
21 effective date of this Act. Such licenses shall be issued without  
22 delay and shall be renewed in the same manner as licenses granted  
23 under other provisions of this Act.

24 (b) The committee, on request, shall waive educational,  
25 professional experience, and examination requirements for licensure  
26 in audiology for applicants who, on the effective date of this Act,

1 hold a baccalaureate or graduate degree and have successfully  
2 completed 21 semester hours of course work in audiology, and are  
3 engaged in the practice of audiology on proof of bona fide practice  
4 of audiology presented to the committee in the manner prescribed by  
5 the committee's rules, provided they file an application for  
6 licensure with the committee or the Director of Health Resources  
7 within 90 days from the effective date of this Act.

8 (c) The committee may waive the examination and grant  
9 licensure to an applicant who presents proof of current licensure  
10 in another state, including the District of Columbia, or territory  
11 of the United States which maintains professional standards  
12 considered by the committee to be equivalent to those set forth in  
13 this Act.

14 (d) The committee may waive the examination and grant  
15 licensure to an applicant who holds the Certificate of Clinical  
16 Competence of the American Speech and Hearing Association or has  
17 met equivalent requirements in the area for which a license is  
18 sought.

19 Sec. 14. ISSUANCE OF LICENSE. (a) The committee, subject  
20 to the approval of the board, shall issue a license to an applicant  
21 who meets the requirements of this Act and who pays to the  
22 department the initial license fee.

23 (b) A temporary certificate of registration may be applied  
24 for by a person who fulfills the requirements of Section 10 of this  
25 Act and who has not previously applied to take the examination  
26 provided under Section 12 of this Act.



(c) On receiving an application provided for under Subsection (b) of this section accompanied by the application fee, the committee shall issue a temporary certificate of registration which entitles the applicant to practice audiology or speech pathology for a period ending eight weeks after the conclusion of the next examination given after the date of issue.

Sec. 15. RENEWAL OF LICENSE. (a) Each licensed speech pathologist or audiologist shall annually on or before January 30 pay to the committee a fee for a renewal of his license. A 30-day grace period shall be allowed after January 30. After expiration of the grace period, the committee may renew each license after payment of a penalty set by the committee. No person who applies for renewal within two years after the date of expiration of the license may be required to submit to an examination as a condition to renewal.

*Insert House Am. # 5*  
(b) ~~Persons who fail to renew their license within two years after the date of its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter, but those persons may apply for and obtain a new license if they meet the requirements of this Act.~~

(c) Within three years of the effective date of this Act, renewal of a license is contingent on the applicant's meeting uniform continuing education requirements established by the committee. These continuing education requirements must be of such a nature that they can be met without necessitating an extended absence from the licensee's county of residence. Notice of

continuing education requirements shall be sent to all persons licensed under this Act at least 12 months prior to the time that the person's license renewal is dependent on completion of the requirements. Continuing education requirements shall be sent to new applicants with the forms on which they are to apply for licensure. Notification of changes in continuing education requirements shall be sent to persons licensed under this Act at least one year prior to the date on which the new requirements become effective. *INSERT House Am. #4*

(d) A suspended license is subject to expiration and may be renewed as provided in this Act, but the renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity or in any other activity or conduct in violation of the order or judgment by which the license was suspended. A license revoked on disciplinary grounds is subject to expiration as provided in this Act, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of the license revocation.

(e) All licenses expire and become invalid one year from the date of issuance if not renewed.

Sec. 16. FEES. The amount of fees initially prescribed in connection with a license as a speech pathologist or audiologist

1 shall not exceed the following:

- 2 (1) Application fee: \$50
- 3 (2) Examination fee: \$25
- 4 (3) Initial license fee: \$50
- 5 (4) License renewal fee: \$25
- 6 (5) Delinquency fee: \$25
- 7 (6) Temporary license fee: \$15
- 8 (7) Duplicate license fee: \$10

9 The committee, subject to the board's approval, shall adjust the  
10 amount of the fees to be sufficient to meet the expenses of  
11 administering this Act without unnecessary surpluses. Such  
12 surpluses, if any, are reserved for the use of the department for  
13 the committee.

14 Sec. 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The  
15 board, upon recommendation by the committee, may refuse to issue a  
16 license to an applicant or may suspend or revoke the license of any  
17 licensee for any of the following causes:

18 (1) obtaining a license by means of fraud,  
19 misrepresentation, or concealment of material facts;

20 (2) selling, bartering, or offering to sell or barter a  
21 license or certificate of registration;

22 (3) unprofessional conduct that has endangered or is likely  
23 to endanger the health, welfare, or safety of the public, as  
24 defined by the rules established by the committee and approved by  
25 the board, or violation of the code of ethics adopted and published  
26 by the committee and approved by the board;

1 (4) violating any lawful order of the committee or board, or  
2 rule adopted by the committee and approved by the board;

3 (5) violating any provision of this Act.

4 (b) The board, upon recommendation of the committee, shall  
5 deny an application for, or suspend or revoke, or impose  
6 probationary conditions on, a license as ordered by the board in  
7 any decision made after hearing as provided in this Act. One year  
8 from the date of revocation of a license under this Act,  
9 application may be made to the board for reinstatement. The board  
10 shall have discretion to accept or reject an application for  
11 reinstatement and may require an examination for the reinstatement.

12 (c) A plea or verdict of guilty or a conviction following a  
13 plea of nolo contendere made to a charge of a felony or of an  
14 offense involving moral turpitude is deemed to be a conviction  
15 within the meaning of this Act. At the direction of the board the  
16 license may be suspended or revoked, or the board may decline to  
17 issue a license when the time for appeal of the conviction has  
18 elapsed or the judgment or conviction has been affirmed on appeal,  
19 or when an order granting probation is made suspending the  
20 imposition of sentence regardless of a subsequent order allowing a  
21 person to withdraw such person's plea of guilty, or setting aside  
22 the verdict of guilty, or dismissing the information or indictment.

23 (d) The committee shall promulgate and recommend to the  
24 board rules covering the provisions of this section, and all  
25 actions by the committee under this section are subject to the  
26 approval of the board.

1 (e) The board may, with the exception of its rulemaking  
2 powers, delegate all of its powers under this section to the  
3 committee.

4 Sec. 18. PENALTIES. (a) A person who violates any of the  
5 provisions of this Act is guilty of a misdemeanor and on conviction  
6 may be punished by confinement in the county jail not exceeding six  
7 months, or by a fine not exceeding \$1,000, or by both.

8 (b) If a person other than a licensed speech pathologist or  
9 audiologist has engaged in any act or practice which constitutes an  
10 offense under this Act, a district court of any county, on  
11 application of the committee, may issue an injunction or other  
12 appropriate order restraining such conduct.

13 Sec. 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION OF  
14 A LICENSE. (a) A person whose application for a license is denied  
15 is entitled to a hearing before the board if such person submits a  
16 written request to the board.

17 (b) Proceedings for revocation or suspension of a license  
18 shall be commenced by filing charges with the board in writing and  
19 under oath. The charges may be made by any person or persons.

20 (c) The board shall fix a time and place for hearing and  
21 shall cause a written copy of the charges or reason for denial of a  
22 license, together with a notice of the time and place fixed for the  
23 hearing, to be served on the applicant requesting the hearing or  
24 the licensee against whom the charges have been filed at least 20  
25 days prior to the date set for the hearing. Service of charges and  
26 notice of hearing may be given by certified mail to the last known

1 address of the licensee or applicant.

2 (d) At the hearing the applicant or licensee has the right  
3 to appear either personally or by counsel, or both, to produce <sup>2 1/2</sup>  
4 witnesses, to have subpoenas issued by the board, and to  
5 cross-examine opposing or adverse witnesses.

6 (e) The board shall determine the charges on their merits  
7 and enter an order in a permanent record setting forth the findings  
8 of fact and conclusions of law, together with the action taken. A  
9 copy of the order of the board shall be mailed to the applicant or  
10 licensee at such person's last known address by certified mail.

11 (f) An individual whose application for a license has been  
12 refused or whose license has been cancelled, revoked, or suspended  
13 by the board may take an appeal, within 20 days after the order is  
14 entered, to any district court of Travis County or to any district  
15 court of the county of his or her residence.

16 (g) A case reviewed under the provisions of this section  
17 proceeds in the district court by trial de novo in the same manner  
18 as an appeal to the county court from the justice of the peace  
19 court.

20 (h) In all appeals prosecuted in any of the courts of this  
21 state pursuant to the provisions of this Act, such trials shall be  
22 de novo as that term is used and understood in appeals from justice  
23 of the peace courts to county courts. Under no circumstances shall  
24 the substantial evidence rule as interpreted and applied by the  
25 courts in Texas in other cases ever be used or applied to appeals  
26 prosecuted under the provisions of this Act.

1           (1) The board shall promulgate rules covering procedures for  
2 denial, revocation, or suspension of a license under this section,  
3 and all actions of the committee are subject to the rules of the <sup>22</sup>/<sub>7</sub>  
4 board.

5           ~~(j) The board may, with the exception of its rulemaking~~  
6 ~~powers, delegate all of its powers under this section to the~~  
7 ~~committee.~~

8           Sec. 20. DISPOSITION OF FUNDS RECEIVED. (a) The department  
9 shall receive and account for all money derived ~~under this Act~~ and  
10 shall pay the money to the State Treasury which ~~shall keep~~ it in a  
11 separate fund to be known as the speech pathology and audiology  
12 fund. The department may make the expenditures from this fund for  
13 any purpose which is reasonably necessary to implement the  
14 provisions of this Act.

15           (b) After September 1, 1978, all expenses for the  
16 administration of the Act shall be paid from fees collected by the  
17 committee under this Act, and fees paid to the speech pathology and  
18 audiology fund are allocated to the committee for that purpose.

19           (c) Funds shall be appropriated to the department for the  
20 implementation of this Act, said funds coming from the General  
21 Revenue Fund for the first year.

22           Sec. 21. REVENUE. The department shall report to the state  
23 comptroller at the beginning of each month the amount and source of  
24 all revenue received by it during the preceding month, and at that  
25 time shall pay the entire amount thereof into the speech pathology  
26 and audiology fund.

1        Sec. 22. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The  
2 provisions of Chapter 95, Acts of the 51st Legislature, Regular  
3 Session, 1949, as amended (Article 4590c, Vernon's Texas Civil  
4 Statutes), do not apply to audiologists or speech pathologists duly  
5 qualified and licensed under this Act who confine their activity to  
6 the areas specified in this Act. <sup>23/24</sup>

7        Sec. 23. SUNSET PROVISION. Unless reenacted, the provisions  
8 of this Act shall be without effect after August 31, 1987.

9        Sec. 24. POWERS AND DUTIES OF THE DEPARTMENT. All duties,  
10 powers, and authority conferred on the committee by this Act and  
11 all practices and procedures of the committee are subject to the  
12 supervision and approval of the board, which shall have the powers  
13 necessary to prescribe and promulgate rules as the board deems  
14 reasonable and necessary to supervise and control the duties,  
15 powers, authority, practices, and procedures of the committee.

16        Sec. 25. ARTICLE 4590f, VERNON'S TEXAS CIVIL  
17 STATUTES. Nothing in this Act shall be construed as conflicting in  
18 any manner with the provisions of Article 4590f, Vernon's Texas  
19 Civil Statutes, but if any provision of this Act does conflict with  
20 Article 4590f, the provisions of Article 4590f will prevail.

21        Sec. 26. EFFECTIVE DATE. This Act is effective <sup>January 1, 1978.</sup>  
22 ~~September 1,~~  
~~1977.~~

23        Sec. 27. SEVERABILITY. If any portion of this Act or the  
24 application thereof to any person, case, or circumstance is held  
25 invalid, such invalidity shall not affect other provisions or  
26 application of the Act which can be given effect without the



1 invalid provision or application, and to this end the provisions of  
2 this Act are declared to be severable.

3 Sec. 28. EMERGENCY. The importance of this legislation and  
4 the crowded condition of the calendars in both houses create an  
5 emergency and an imperative public necessity that the  
6 constitutional rule requiring bills to be read on three several<sup>2 4/25</sup>  
7 days in each house be suspended, and this rule is hereby suspended.

Amendment No. ①

By: W. D. Dole

Amend C.S.S.B. No. 440 by deleting all of Subsection (k) of Section 9 on pages 10 and 11 and substituting therefore the following:

④ (K) Persons licensed under this Act cannot dispense or sell hearing aids or be otherwise compensated for a hearing aid unless licensed by the Board of Examiners in the Fitting and Dispensing of Hearing Aids pursuant to Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.01, Vernon's Texas Civil Statutes). Any payment to licensees under this Act shall be for professional services rendered only.

MAY 25 1977

Date \_\_\_\_\_  
Read and Adopted

*Betty Murray*

Chief Clerk  
House of Representatives

House Am. #①

2  
~~AMENDMENT~~ AMENDMENT NO. \_\_\_\_\_

By Hoestenbach  
✓

Amend S. B. No. 440 as follows:

✓ (1) Strike "December 31, 1977" on page 8, lines 6 and 7  
and substitute "April 30, 1978".

(2) Strike "September 1, 1977" on page 23, lines 26 and 27  
and substitute "January 1, 1978".

MAY 25 1977

Date \_\_\_\_\_  
Read and Adopted

*Betty Murray*

Chief Clerk  
House of Representatives

Amend # ③ By Hoestenbach

Amend S.B. <sup>440</sup> by deleting the  
word "Central" wherever it appears  
as Central Education Agency &  
substitute therefore the word  
"Texas".

- ignore -

MAY 25 1977

Date  
Read and Adopted

*Betty Murray*

Chief Clerk  
House of Representatives

Amendment No. \_\_\_\_\_

4

By BROWN

Amend C.S.S.B. 440 by adding the following at the end of Section 15(c):

"Inservice training programs provided by Independent School Districts and approved by the Committee shall be acceptable for the continuing education requirements in this Act."

MAY 25 1977  
Date \_\_\_\_\_  
Read and Adopted  
*Betty Murray*  
Chief Clerk  
House of Representatives

House am. # 4

(5)

AMENDMENT BY CARTWRIGHT & NUGENT

AMEND C.S.S.B. 440 BY DELETING SECTION (B) PAGE 17 AND SUBSTITUTING THE LANGUAGE AS FOLLOWS:

(B) PERSONS WHO FAIL TO RENEW THEIR LICENSE WITHIN TWO YEARS AFTER THE DATE OF ITS EXPIRATION MAY RENEW IT, AND IT MAY BE RESTORED <sup>or</sup> REISSUED. ~~OR REINSTATED THEREAFTER.~~

MAY 25 1977

Date \_\_\_\_\_  
Read and Adopted \_\_\_\_\_

*Betty Murray*

Chief Clerk  
House of Representatives

House am. # (5)

70  
Amendment No.

⑥

BY:

*Chas. D. Newport*

Amend H.C.S.S.B. #440 by deleting all of Subsec. (e) of Sec. 17.

MAY 25 1972

Date \_\_\_\_\_  
Read and Adopted

*Betty Murree*

Chief Clerk  
House of Representatives

22  
Amendment No. 7

BY: Cartney H. Nugent

Amend H.C.S.S.E. #440 by deleting all of Subsec. (j) of Sec. 19.

MAY 25 1972

Date \_\_\_\_\_  
Read and Adopted

Betty Murrey

Chief Clerk  
House of Representatives



CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

MAY 28

, 1978

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 1226 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

*Sherman*

Max Sherman

*Meier*

Bill Meier

*Adams*

Don Adams

*Schwartz*

A.R. Schwartz

*Fanabee*

On the part of the Senate

*Ben Z. Grant*

Ben Z. Grant

*Dave Allred*

Dave Allred

Chase Untermeyer

*Cullen R. Looney*

Cullen R. Looney

*Dan Kubiak*

On the part of the House Dan Kubiak

Paper clip one of these forms to each of the following:  
the original and two copies to the house of origin  
three copies to the other house

*Filed with Secretary of the Senate - 6:35 p.m.  
Saturday, May 28*

CONFERENCE COMMITTEE REPORT

By: Sherman

S.D. No. 1226

A BILL TO BE ENTITLED

AN ACT

relating to the accessibility and confidentiality of information held by certain governmental bodies and agencies; amending Sections 1, 8, and 14 and Subsection (a) of Section 3, and repealing Subsection (c) of Section 3 and Sections 10 and 12, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 1, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. Declaration of policy. (a) Pursuant to the fundamental philosophy of the American constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the State of Texas that all persons are, unless otherwise expressly provided by law, at all times entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have

created. To that end, the provisions of this Act shall be liberally construed with the view of carrying out the above declaration of public policy.

"(b) This Act does not limit any other right to information provided by statute, ordinance, judicial decision, court rule or order, administrative rule or regulation, or constitutional law. This Act does not make any information confidential or restrict public access to information which heretofore has been available for public inspection. Information not required to be disclosed by this Act may be made public in the discretion of the custodian of the public records unless prohibited by other law."

Sec. 2. Subsection (a), Section 3, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) All information collected, assembled, or maintained by governmental bodies pursuant to law or ordinance or in connection with the transaction of official business is public information and available to the public during normal business hours of any governmental body, with the following exceptions only:

"(1) information deemed confidential by law, either Constitutional, statutory, or by judicial decision;

"(2) information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; provided, however, that all information in personnel files of an individual employee within a governmental body is to be made

available to that individual employee or his designated representative as is public information under this Act;

"(3) information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection;

"(4) information which, if released, would give advantage to competitors or bidders;

"(5) information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts therefor;

"(6) drafts and working papers involved in the preparation of proposed legislation;

"(7) matters in which the duty of the Attorney General of Texas or an attorney of a political subdivision, to his client, pursuant to the Rules and Canons of Ethics of the State Bar of Texas are prohibited from disclosure, or which by order of a court are prohibited from disclosure;

"(8) records of law enforcement agencies that deal with the detection and investigation of crime and the internal records and

notations of such law enforcement agencies which are maintained for internal use in matters relating to law enforcement;

"(9) private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy;

"(10) trade secrets and commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision;

"(11) inter-agency or intra-agency memorandums or letters which would not be available by law to a ~~private~~ party [other--than one] in litigation with the agency;

"(12) information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and/or securities, as that term is defined in the Texas Securities Act;

"(13) geological and geophysical information and data including maps concerning wells, except information filed in connection with an application or proceeding before any agency;

"(14) student records at educational institutions funded wholly, or in part, by state revenue; but such records shall be made available upon request of educational institution personnel with legitimate educational interests, the parent, legal guardian or conservator of a child student or parent of a dependent student, or the student involved if he or she is adult or attends a postsecondary educational institution ~~(r-the student-involved--or~~

~~that student's parent, legal guardian, or spouse);~~

"(15) birth and death records, the inspection and copying of which shall be in accordance with Article 4477, Revised Civil Statutes of Texas, 1925, as amended ~~[maintained by the Bureau of Vital Statistics in the State of Texas];~~

"(16) the audit working papers of the State Auditor."

Sec. 3. Section 8, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 8. Writ of mandamus. (a) If a governmental body refuses to request an attorney general's decision as provided in this Act, or to supply public information or information which the attorney general has determined to be a public record, the person requesting the information or the attorney general may seek a writ of mandamus compelling the governmental body to make the information available for public inspection.

(b) The court may assess against the governmental body reasonable attorney's fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed. In exercising its discretion, the court shall consider the following criteria:

(1) Whether the governmental body's withholding of the information sought had a reasonable basis in law;

(2) The nature of the complainant's interest in the records sought;

(3) The commercial benefit to the complainant, other than incidental benefit in connection with the dissemination of news to the general public;

(4) The benefit to the public, if any, deriving from the case.

Sec. 4. Section 14, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes), is amended by adding a new Subsection (f) to read as follows:

"(f) If it is determined that the release of information under this Act would cause the denial of funds, services, or essential information from the United States Government which otherwise definitely would be available to a governmental body, the information may be withheld from required disclosure, but only to the extent necessary to prevent denial of such funds, services, or essential information."

Sec. 5. Subsection (c), Section 3, and Sections 10 and 12 of Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes), are repealed.

Sec. 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senate Version	House Version	CONFERENCE REPORT
<u>Section 1.</u> Same.	<u>Section 1.</u> Same.	<u>Section 1.</u> Same.
<u>Section 2.</u> Same.	<u>Section 2.</u> Same.	<u>Section 2.</u> Same.
<u>Section 3.</u> Amends Section 8 of Open Records Act, Article 6252-17a, V.T.C.S., by adding a new subsection (b) as follows:  "(b) The court may assess against the governmental body reasonable attorney's fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed."	The House deleted the attorney's fee provision.	<u>Section 3.</u> Senate version adopted with the addition of certain criteria. Section reads as follows:  (b) The court may assess against the governmental body reasonable attorney's fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed. In exercising its discretion, the court shall consider the following criteria:  (1) whether the governmental body's withholding of the information sought had a reasonable basis in law; (2) the nature of the complainant's interest in the records sought; (3) the commercial benefit to the complainant, other than incidental benefit in connection with the dissemination of news to the general public; (4) the benefit to the public, if any, deriving from the case.
<u>Section 4.</u> Same.	<u>Section 3.</u> Same as Senate Section 4.	<u>Section 4.</u> Same.
<u>Section 5.</u> Same.	<u>Section 4.</u> Same as Senate Section 5.	<u>Section 5.</u> Same.
<u>Section 6.</u> Same.	<u>Section 5.</u> Same as Senate Section 6.	<u>Section 6.</u> Same.



Enrolled

May 30, 1977

Patsy Spaw  
Enrolling Clerk

S.B. No. 440

AN ACT

relating to the licensing and regulation of speech pathologists and audiologists; providing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. PURPOSE. It is the policy of this state that in order to safeguard the public health, safety, and welfare and to protect the public from unprofessional conduct by speech pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

Sec. 2. DEFINITIONS. In this Act:

(1) "Committee" means the State Committee of Examiners for Speech Pathology and Audiology.

(2) "Person" means an individual, corporation, partnership, or other legal entity.

(3) (A) "Speech pathologist" means an individual who practices speech pathology, who makes a nonmedical evaluation, who examines, counsels, or provides habilitative or rehabilitative services for persons who have or are suspected of having speech, voice, or language disorders, and who meets the qualifications set forth in this Act.

(B) A person represents himself or herself to be a "speech pathologist" when such person holds himself or herself out to the public by a title or description of services incorporating the words "speech pathology," "speech pathologist," "speech therapy,"

1 "speech therapist," "speech correction," "speech correctionist,"  
2 "speech and hearing therapy," "speech and hearing therapist,"  
3 "speech and hearing specialist," "speech and hearing clinician,"  
4 "language therapy," "language therapist," "voice pathology," "voice  
5 pathologist," "voice therapy," "voice therapist," "logopedics,"  
6 "logopedist," "communicology," "communicologist," "aphasiologist,"  
7 "phoniatrist," "speech clinician," "speech clinic," "speech  
8 center," or similar or related term or terms, titles, or  
9 description of services.

10 (4) "The practice of speech pathology" means the application  
11 of principles, methods, and procedures for the measurement,  
12 testing, evaluation, prediction, counseling, habilitation,  
13 rehabilitation, or instruction related to the development and  
14 disorders of speech, voice, or language for the purpose of  
15 rendering or offering to render an evaluation, prevention, or  
16 modification of these disorders and conditions in individuals or  
17 groups of individuals. Speech pathologists may perform the basic  
18 audiometric screening tests and hearing therapy procedures  
19 consistent with their training.

20 (5) (A) "Audiologist" means a person who practices  
21 audiology, who makes a nonmedical evaluation, who examines,  
22 counsels, or provides habilitative or rehabilitative services for  
23 persons who have or are suspected of having a hearing disorder, and  
24 who meets the qualifications set forth in this Act.

25 (B) A person represents himself or herself to be an  
26 "audiologist" when such person holds himself or herself out to the

public by any title or description of services incorporating the terms "audiology," "audiologist," "audiometry," "audiometrist," "otometry," "otometrist," "hearing therapy," "hearing therapist," "hearing clinician," "hearing clinic," "hearing center," "audiological," "audiometrics," or similar or related terms, titles, or description of services, but shall not include a person engaging in the sale, repair, and calibration of audiometers, audiometric testing devices, and audiometric calibration equipment.

(6) "The practice of audiology" means the application of principles, methods, and procedures for the measurement, testing, appraisal, prediction, consultation, counseling, habilitation, rehabilitation, or instruction related to hearing and disorders of hearing for the purpose of rendering or offering to render services modifying communicative disorders involving speech, language, auditory function, or other aberrant behavior relating to hearing loss. An audiologist may engage in any tasks, procedures, acts, or practices that are necessary (A) for the evaluation of hearing or (B) for training in the use of amplification including hearing aids. An audiologist may participate in consultation regarding noise control and hearing conservation, may provide evaluations of environment or equipment in hearing conservation programs including calibration of equipment used in testing auditory functioning and hearing conservation, and may perform the basic speech and language screening tests and procedures consistent with his or her training.

(7) "Speech pathology aide" means a person who meets minimum qualifications which the committee may establish for speech

1 pathology aides, and who works under the direction of a licensed  
2 speech pathologist. The qualifications for licensure as a speech  
3 pathology aide shall be uniform and shall be less than those  
4 established by this Act as necessary for licensure as a speech  
5 pathologist.

6 (8) "Audiology aide" means a person who meets minimum  
7 qualifications which the committee may establish for audiology  
8 aides, and who works under the direction of a licensed audiologist.  
9 The qualifications for licensure as an audiology aide shall be  
10 uniform and shall be less than those established by this Act as  
11 necessary for licensure as an audiologist.

12 (9) "Board" means the State Board of Health Resources.

13 (10) "Department" means the State Department of Health  
14 Resources.

15 Sec. 3. ADMINISTRATION. (a) The State Committee of  
16 Examiners for Speech Pathology and Audiology is created within the  
17 department and is subject to all rules of the board. The committee  
18 consists of nine members appointed by the governor, with the advice  
19 and consent of two-thirds of the members of the senate present and  
20 voting, a quorum being present, to take office on the effective  
21 date of this Act. Members of the committee shall have been  
22 residents of the State of Texas for two years immediately preceding  
23 appointment and shall be representative of varying geographic  
24 regions of the state and from varying employment settings. Six  
25 members shall have been engaged in rendering services, teaching, or  
26 research in speech pathology or audiology for at least five years

and shall meet the qualifications for licensure under Section 10 of this Act. Of these six members, four members shall be speech pathologists and two members shall be audiologists. Except for the initial appointees, all six shall hold valid licenses under this law. Two shall be public members, one of whom is a licensed physician board-certified in otolaryngology or pediatrics; the remaining public member, an interested citizen, may not be a licensee of the committee or of the department. The members of the committee shall serve until the expiration of the term to which they have been appointed or until their successors have qualified.

(b) The initial appointments shall be determined by lot as follows: three members are appointed for terms which expire January 31, 1979; three members are appointed for terms which expire January 31, 1981, and three members are appointed for terms which expire January 31, 1983. After the initial appointments, members are appointed for terms of six years expiring on January 31 of odd-numbered years.

(c) The committee shall organize annually and select a chairperson who, except for the initial chairperson, shall hold a valid license under this Act, a vice-chairperson, and a secretary-treasurer. The initial chairperson shall be one who meets the qualifications for licensing under this Act.

(d) Five members of the committee constitute a quorum to do business.

(e) No person may be appointed to serve more than two consecutive terms.

1           (f) The committee shall hold at least one regular meeting  
2 each year at which time an examination as defined in Section 12 of  
3 this Act shall be offered. Additional meetings may be held on the  
4 call of the chairperson or at the written request of any three  
5 members of the committee. At least 14 days advance notice of  
6 committee meetings is required.

7           Sec. 4. DUTIES AND POWERS. (a) The committee shall  
8 administer, coordinate, and enforce the provisions of this Act,  
9 evaluate the qualifications of applicants, and supervise the  
10 examination of applicants. The committee may issue subpoenas,  
11 examine witnesses, and administer oaths under the state laws of  
12 Texas, and it shall investigate persons engaging in practices that  
13 violate the provisions of this Act, subject to the approval of the  
14 board.

15           (b) The committee shall conduct hearings and keep records  
16 and minutes necessary to an orderly dispatch of the administration  
17 of this Act, subject to the approval of the board.

18           (c) The committee shall adopt reasonable rules commensurate  
19 with the provisions of this Act, including rules that establish  
20 ethical standards of practice, and the committee may amend or  
21 repeal the rules adopted by it, all subject to the approval of the  
22 board.

23           (d) A person who holds a license to practice speech  
24 pathology or audiology in this state is governed and controlled by  
25 the rules adopted by the committee and approved by the board.

26           (e) The conferral or enumeration of specific powers

1 elsewhere in this Act shall not be construed as a limitation of the  
2 general powers conferred by this section.

3 (f) The committee shall be represented by the attorney  
4 general and the district and county attorneys of this state.

5 (g) Officers and employees directly responsible for handling  
6 money paid to the committee shall execute a performance bond as  
7 required by the committee. The premium for the bond shall be paid  
8 from committee funds.

9 (h) The committee may appoint subcommittees to work under  
10 its jurisdiction, subject to the approval of the board.

11 Sec. 5. COMPENSATION AND PAYMENT OF EXPENSES OF COMMITTEE.

12 (a) The committee members receive no compensation for their  
13 services, but they may receive reimbursement for expenses incurred  
14 in the administration of this Act according to the payment and  
15 reimbursement policies of the department.

16 (b) All expenses incurred by the committee in the  
17 administration of the provisions of this Act shall be paid by  
18 warrants drawn on the State Treasury by the comptroller when  
19 vouchers are approved by the committee and department and are  
20 submitted through the department to the comptroller.

21 Sec. 6. EMPLOYEES OF THE COMMITTEE. The department shall  
22 provide such administrative and clerical employees as the  
23 department considers necessary to carry out the provisions of this  
24 Act.

25 Sec. 7. SEAL AND AUTHENTICATION OF RECORDS. The committee  
26 shall adopt a seal by which it shall authenticate its proceedings.

1 Copies of the proceedings, records, and acts of the committee and  
2 certificates purporting to relate the facts concerning the  
3 proceedings, records, and acts, signed by the secretary-treasurer  
4 and authenticated by the seal, are prima facie evidence in all  
5 courts of this state.

6 Sec. 8. LICENSING AND REGULATION OF SPEECH PATHOLOGISTS AND  
7 AUDIOLOGISTS. (a) Licenses shall be granted either in speech  
8 pathology or audiology independently. Persons may be licensed in  
9 both areas if they meet the qualifications.

10 (b) No persons may practice or represent themselves as  
11 speech pathologists or audiologists in this state after April 30,  
12 1978, unless they are licensed in accordance with the provisions of  
13 this Act.

14 (c) Any violation of this subsection shall constitute a  
15 deceptive trade practice.

16 Sec. 9. PERSONS AND PRACTICES NOT AFFECTED. (a) This Act  
17 does not prevent qualified persons licensed in this state under  
18 another law from engaging in the profession for which they are  
19 licensed.

20 (b) This Act does not prevent or restrict the activities and  
21 services and the use of an official title by persons holding a  
22 valid and current certification in speech and hearing therapy from  
23 the Texas Central Education Agency if those persons perform speech  
24 pathology or audiology services solely as a part of their duties  
25 within an agency, institution, or organization under the  
26 jurisdiction of the Texas Central Education Agency. If persons



1 affected by this subsection perform work as speech pathologists or  
2 audiologists apart from their positions within an agency,  
3 institution, or organization of the Texas Central Education Agency,  
4 they must have a license issued by the committee, except that a  
5 person affected by this subsection may perform speech and hearing  
6 screening procedures without compensation without having a license  
7 issued by the committee.

8 (c) This Act does not restrict the activities and services  
9 of students or interns pursuing a course of study leading to a  
10 degree in speech pathology at a college or university accredited by  
11 the Southern Association of Colleges and Universities or its  
12 equivalent, provided that these activities and services constitute  
13 a part of their supervised course of study or internship year, that  
14 they are supervised by a person licensed under this Act, and that  
15 they are designated by a title such as "Speech Pathology Intern" or  
16 "Speech Pathology Trainee" or other title clearly indicating the  
17 training status appropriate to their level of training.

18 (d) This Act does not restrict activities and services of  
19 students or interns in audiology pursuing a course of study leading  
20 to a degree in audiology at a college or university accredited by  
21 the Southern Association of Colleges and Universities or its  
22 equivalent, provided that these activities and services constitute  
23 a part of their supervised course of study or internship year, that  
24 they are supervised by a person licensed under this Act, and that  
25 they are designated by a title such as "Audiology Intern" or  
26 "Audiology Trainee" or other title clearly indicating the training

1 status appropriate to their level of training.

2 (e) This Act does not restrict the performance of speech  
3 pathology or audiology services in this state by a person not a  
4 resident of this state who is not licensed under this Act, if the  
5 services are performed for no more than five days in a calendar  
6 year and if the person meets the qualifications and requirements  
7 for application for licensure under this Act.

8 (f) This Act does not restrict the use of an official title  
9 by an individual teaching in a university or college training  
10 program, provided that the person is not engaged in the practice of  
11 speech pathology or audiology and does not supervise persons  
12 engaged in the practice of speech pathology or audiology.

13 (g) This Act does not permit a person to perform an act that  
14 would be in violation of Article 4510, Revised Civil Statutes of  
15 Texas, 1925, as amended. This Act does not permit a person to  
16 provide medical or surgical diagnosis or treatment of laryngeal or  
17 ear disorders.

18 (h) Nothing in this Act shall be construed as restricting or  
19 preventing a physician or surgeon from engaging in the practice of  
20 medicine in this state. This Act does not restrict speech or  
21 hearing testing or evaluation conducted by a licensed physician and  
22 surgeon or by a person under the control or supervision or at the  
23 instruction of one licensed to practice medicine in this state.

24 (i) This Act does not apply to persons employed by or  
25 responsible to the department in its programs concerned with  
26 hearing or speech services as long as they are performing duties

1 under the jurisdiction of the department.

2 (j) This Act does not apply to a person who shows evidence  
3 of having completed training by the Texas Department of Health  
4 Resources in one of the hearing screening training programs  
5 approved by that agency, provided that all activities performed  
6 under this exception shall be limited to screening of hearing  
7 sensitivity.

8 (k) Persons licensed under this Act cannot dispense or sell  
9 hearing aids or be otherwise compensated for a hearing aid unless  
10 licensed by the board of examiners in the fitting and dispensing of  
11 hearing aids pursuant to Chapter 366, Acts of the 61st Legislature,  
12 Regular Session, 1969 (Article 4566-1.01, Vernon's Texas Civil  
13 Statutes). Any payment to licensees under this Act shall be for  
14 professional services rendered only.

15 (l) This Act does not prevent or restrict a person licensed  
16 by the Texas Board of Examiners in the Fitting and Dispensing of  
17 Hearing Aids from engaging in the practice of fitting and  
18 dispensing hearing aids as defined in Chapter 366, Acts of the 61st  
19 Legislature, Regular Session, 1969 (Article 4566-1.01, Vernon's  
20 Texas Civil Statutes).

21 (m) This Act does not prevent persons in an industrial  
22 setting from engaging in hearing testing as a part of a hearing  
23 conservation program in compliance with regulations of the  
24 Occupational Safety and Health Administration of the U.S.  
25 Department of Labor, the requirements of Article 5182a, 4477-1 and  
26 459 of Vernon's Texas Civil Statutes, and the rules of the board

1 promulgated pursuant to these statutes.

2 (n) This Act does not prevent or restrict speech or hearing  
3 sensitivity screening evaluations conducted by registered nurses  
4 licensed by the laws of this state and practicing in accordance  
5 with the standards of professional conduct and ethics promulgated  
6 by the rules and regulations of the Board of Nurse Examiners.

7 Sec. 10. QUALIFICATION OF APPLICANTS FOR LICENSE. To be  
8 eligible for licensing as a speech pathologist or audiologist, an  
9 applicant must:

10 (1) be of good moral character;

11 (2) possess at least a master's degree from an accredited or  
12 approved college or university;

13 (3) submit transcripts from one or more colleges or  
14 universities showing that a total of 60 semester hours of academic  
15 credit has been successfully completed and that the applicant has  
16 obtained no less than the following:

17 (A) 12 semester hours in courses which provide information  
18 that pertains to normal development and use of speech, language,  
19 and hearing;

20 (B) 30 semester hours in courses that provide information  
21 about and training in evaluation and management of speech,  
22 language, and hearing disorders, at least 24 of which are in  
23 courses in the professional area for which the license is requested  
24 and at least six semester hours in audiology for the license in  
25 speech pathology or in speech pathology for the license in  
26 audiology and no more than six semester hours in courses that

1 provide credit for clinical practice obtained during academic  
2 training;

3 (C) credit for study of information pertaining to related  
4 fields that augment the work of the clinical practitioner of speech  
5 pathology or audiology sufficient to bring the applicant's total  
6 credit up to 60 hours; and

7 (D) 30 semester hours in courses that are acceptable toward  
8 a graduate degree by the college or university in which they are  
9 taken, 21 of which are within the 24 semester hours required in the  
10 professional area for which the license is requested or within the  
11 six semester hours required in the other professional area  
12 regulated by this Act;

13 (4) have completed a minimum of 300 clock hours of  
14 supervised clinical experience with individuals who present a  
15 variety of communication disorders, and this experience must have  
16 been obtained within his or her training institution or in one of  
17 its cooperating programs;

18 (5) have obtained the equivalent of nine months of full-time  
19 supervised professional experience in which bona fide clinical work  
20 has been accomplished in the major professional area for which the  
21 license is being sought under the supervision of a qualified person  
22 acceptable to the committee and must have begun after completion of  
23 the academic and clinical experiences required by this section.

24 Sec. 11. APPLICATION FOR LICENSE. Each person desiring a  
25 license under this Act shall make application to the committee on a  
26 form and in the manner the committee prescribes. The application

1 shall be accompanied by the application fee which may not be  
2 refunded by the committee.

3       Sec. 12. EXAMINATION. (a) Each applicant shall be examined  
4 by the committee and shall pay to the committee, at least 30 days  
5 prior to the date of examination, an examination fee prescribed by  
6 the committee, which is not refunded. The examination shall be  
7 given at least twice each year at a time and place established by  
8 and under the supervision of the committee.

9       (b) The committee may examine by written or oral examination  
10 or by both. The committee shall maintain a record of all  
11 examination scores for at least two years after the date of  
12 examination.

13       (c) Standards for acceptable performance shall be determined  
14 by the committee.

15       (d) The committee may examine in whatever theoretical or  
16 applied fields of speech pathology or audiology it deems  
17 appropriate. It may examine the candidates with regard to their  
18 professional skills and their judgment in the utilization of speech  
19 pathology or audiology techniques or methods.

20       (e) Persons who fail the examination may be examined at a  
21 subsequent time if they pay another application and examination  
22 fee. No applicant who has taken and failed to pass two  
23 examinations may take the examination until that person has  
24 presented evidence to the committee of additional study in the area  
25 for which licensure is sought.

26       (f) The committee may waive the examination for applicants

1 who:

2 (1) present proof of current licensure in another state,  
3 including the District of Columbia, or territory of the United  
4 States which maintains professional standards considered by the  
5 committee to be equivalent to those set forth in this Act; or

6 (2) hold the Certificate of Clinical Competence of the  
7 American Speech and Hearing Association in the area for which a  
8 license is being sought.

9 Sec. 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The  
10 committee, on request, must waive educational, professional  
11 experience, and examination requirements for licensure in speech  
12 pathology for applicants who hold a baccalaureate or graduate  
13 degree, are fully certified by the Texas Central Education Agency  
14 in speech and hearing therapy or in the judgment of the committee  
15 have met equivalent requirements, and within two years prior to the  
16 effective date of this Act were engaged in the practice of speech  
17 pathology on proof of practice of speech pathology, presented to  
18 the committee in the manner prescribed by the committee's rules,  
19 provided they file an application for licensure with the committee  
20 or the Director of Health Resources within 90 days from the  
21 effective date of this Act. Such licenses shall be issued without  
22 delay and shall be renewed in the same manner as licenses granted  
23 under other provisions of this Act.

24 (b) The committee, on request, shall waive educational,  
25 professional experience, and examination requirements for licensure  
26 in audiology for applicants who, on the effective date of this Act,

1 hold a baccalaureate or graduate degree and have successfully  
2 completed 21 semester hours of course work in audiology, and are  
3 engaged in the practice of audiology on proof of bona fide practice  
4 of audiology presented to the committee in the manner prescribed by  
5 the committee's rules, provided they file an application for  
6 licensure with the committee or the Director of Health Resources  
7 within 90 days from the effective date of this Act.

8 (c) The committee may waive the examination and grant  
9 licensure to an applicant who presents proof of current licensure  
10 in another state, including the District of Columbia, or territory  
11 of the United States which maintains professional standards  
12 considered by the committee to be equivalent to those set forth in  
13 this Act.

14 (d) The committee may waive the examination and grant  
15 licensure to an applicant who holds the Certificate of Clinical  
16 Competence of the American Speech and Hearing Association or has  
17 met equivalent requirements in the area for which a license is  
18 sought.

19 Sec. 14. ISSUANCE OF LICENSE. (a) The committee, subject  
20 to the approval of the board, shall issue a license to an applicant  
21 who meets the requirements of this Act and who pays to the  
22 department the initial license fee.

23 (b) A temporary certificate of registration may be applied  
24 for by a person who fulfills the requirements of Section 10 of this  
25 Act and who has not previously applied to take the examination  
26 provided under Section 12 of this Act.



1           (c) On receiving an application provided for under  
2 Subsection (b) of this section accompanied by the application fee,  
3 the committee shall issue a temporary certificate of registration  
4 which entitles the applicant to practice audiology or speech  
5 pathology for a period ending eight weeks after the conclusion of  
6 the next examination given after the date of issue.

7           Sec. 15. RENEWAL OF LICENSE. (a) Each licensed speech  
8 pathologist or audiologist shall annually on or before January 30  
9 pay to the committee a fee for a renewal of his license. A 30-day  
10 grace period shall be allowed after January 30. After expiration  
11 of the grace period, the committee may renew each license after  
12 payment of a penalty set by the committee. No person who applies  
13 for renewal within two years after the date of expiration of the  
14 license may be required to submit to an examination as a condition  
15 to renewal.

16           (b) Persons who fail to renew their license within two years  
17 after the date of its expiration may renew it, and it may be  
18 restored or reissued.

19           (c) Within three years of the effective date of this Act,  
20 renewal of a license is contingent on the applicant's meeting  
21 uniform continuing education requirements established by the  
22 committee. These continuing education requirements must be of such  
23 a nature that they can be met without necessitating an extended  
24 absence from the licensee's county of residence. Notice of  
25 continuing education requirements shall be sent to all persons  
26 licensed under this Act at least 12 months prior to the time that

1 the person's license renewal is dependent on completion of the  
2 requirements. Continuing education requirements shall be sent to  
3 new applicants with the forms on which they are to apply for  
4 licensure. Notification of changes in continuing education  
5 requirements shall be sent to persons licensed under this Act at  
6 least one year prior to the date on which the new requirements  
7 become effective. Inservice training programs provided by  
8 independent school districts and approved by the committee shall be  
9 acceptable for the continuing education requirements in this Act.

10 (d) A suspended license is subject to expiration and may be  
11 renewed as provided in this Act, but the renewal does not entitle  
12 the licensee, while the license remains suspended and until it is  
13 reinstated, to engage in the licensed activity or in any other  
14 activity or conduct in violation of the order or judgment by which  
15 the license was suspended. A license revoked on disciplinary  
16 grounds is subject to expiration as provided in this Act, but it  
17 may not be renewed. If it is reinstated after its expiration, the  
18 licensee, as a condition of reinstatement, shall pay a  
19 reinstatement fee in an amount equal to the renewal fee in effect  
20 on the last preceding regular renewal date before the date on which  
21 it is reinstated, plus the delinquency fee, if any, accrued at the  
22 time of the license revocation.

23 (e) All licenses expire and become invalid one year from the  
24 date of issuance if not renewed.

25 Sec. 16. FEES. The amount of fees initially prescribed in  
26 connection with a license as a speech pathologist or audiologist

shall not exceed the following:

- (1) Application fee: \$50
- (2) Examination fee: \$25
- (3) Initial license fee: \$50
- (4) License renewal fee: \$25
- (5) Delinquency fee: \$25
- (6) Temporary license fee: \$15
- (7) Duplicate license fee: \$10

The committee, subject to the board's approval, shall adjust the amount of the fees to be sufficient to meet the expenses of administering this Act without unnecessary surpluses. Such surpluses, if any, are reserved for the use of the department for the committee.

Sec. 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The board, upon recommendation by the committee, may refuse to issue a license to an applicant or may suspend or revoke the license of any licensee for any of the following causes:

- (1) obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
- (2) selling, bartering, or offering to sell or barter a license or certificate of registration;
- (3) unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public, as defined by the rules established by the committee and approved by the board, or violation of the code of ethics adopted and published by the committee and approved by the board;

1           (4) violating any lawful order of the committee or board, or  
2 rule adopted by the committee and approved by the board;

3           (5) violating any provision of this Act.

4           (b) The board, upon recommendation of the committee, shall  
5 deny an application for, or suspend or revoke, or impose  
6 probationary conditions on, a license as ordered by the board in  
7 any decision made after hearing as provided in this Act. One year  
8 from the date of revocation of a license under this Act,  
9 application may be made to the board for reinstatement. The board  
10 shall have discretion to accept or reject an application for  
11 reinstatement and may require an examination for the reinstatement.

12           (c) A plea or verdict of guilty or a conviction following a  
13 plea of nolo contendere made to a charge of a felony or of an  
14 offense involving moral turpitude is deemed to be a conviction  
15 within the meaning of this Act. At the direction of the board the  
16 license may be suspended or revoked, or the board may decline to  
17 issue a license when the time for appeal of the conviction has  
18 elapsed or the judgment or conviction has been affirmed on appeal,  
19 or when an order granting probation is made suspending the  
20 imposition of sentence regardless of a subsequent order allowing a  
21 person to withdraw such person's plea of guilty, or setting aside  
22 the verdict of guilty, or dismissing the information or indictment.

23           (d) The committee shall promulgate and recommend to the  
24 board rules covering the provisions of this section, and all  
25 actions by the committee under this section are subject to the  
26 approval of the board.

1           Sec. 18. PENALTIES. (a) A person who violates any of the  
2 provisions of this Act is guilty of a misdemeanor and on conviction  
3 may be punished by confinement in the county jail not exceeding six  
4 months, or by a fine not exceeding \$1,000, or by both.

5           (b) If a person other than a licensed speech pathologist or  
6 audiologist has engaged in any act or practice which constitutes an  
7 offense under this Act, a district court of any county, on  
8 application of the committee, may issue an injunction or other  
9 appropriate order restraining such conduct.

10          Sec. 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION OF  
11 A LICENSE. (a) A person whose application for a license is denied  
12 is entitled to a hearing before the board if such person submits a  
13 written request to the board.

14          (b) Proceedings for revocation or suspension of a license  
15 shall be commenced by filing charges with the board in writing and  
16 under oath. The charges may be made by any person or persons.

17          (c) The board shall fix a time and place for hearing and  
18 shall cause a written copy of the charges or reason for denial of a  
19 license, together with a notice of the time and place fixed for the  
20 hearing, to be served on the applicant requesting the hearing or  
21 the licensee against whom the charges have been filed at least 20  
22 days prior to the date set for the hearing. Service of charges and  
23 notice of hearing may be given by certified mail to the last known  
24 address of the licensee or applicant.

25          (d) At the hearing the applicant or licensee has the right  
26 to appear either, personally or by counsel, or both, to produce

1 witnesses, to have subpoenas issued by the board, and to  
2 cross-examine opposing or adverse witnesses.

3 (e) The board shall determine the charges on their merits  
4 and enter an order in a permanent record setting forth the findings  
5 of fact and conclusions of law, together with the action taken. A  
6 copy of the order of the board shall be mailed to the applicant or  
7 licensee at such person's last known address by certified mail.

8 (f) An individual whose application for a license has been  
9 refused or whose license has been cancelled, revoked, or suspended  
10 by the board may take an appeal, within 20 days after the order is  
11 entered, to any district court of Travis County or to any district  
12 court of the county of his or her residence.

13 (g) A case reviewed under the provisions of this section  
14 proceeds in the district court by trial de novo in the same manner  
15 as an appeal to the county court from the Justice of the peace  
16 court.

17 (h) In all appeals prosecuted in any of the courts of this  
18 state pursuant to the provisions of this Act, such trials shall be  
19 de novo as that term is used and understood in appeals from justice  
20 of the peace courts to county courts. Under no circumstances shall  
21 the substantial evidence rule as interpreted and applied by the  
22 courts in Texas in other cases ever be used or applied to appeals  
23 prosecuted under the provisions of this Act.

24 (i) The board shall promulgate rules covering procedures for  
25 denial, revocation, or suspension of a license under this section,  
26 and all actions of the committee are subject to the rules of the

1 board.

2       Sec. 20. DISPOSITION OF FUNDS RECEIVED. (a) The department  
3 shall receive and account for all money derived under this Act and  
4 shall pay the money to the State Treasury which shall keep it in a  
5 separate fund to be known as the speech pathology and audiology  
6 fund. The department may make the expenditures from this fund for  
7 any purpose which is reasonably necessary to implement the  
8 provisions of this Act.

9       (b) After September 1, 1978, all expenses for the  
10 administration of the Act shall be paid from fees collected by the  
11 committee under this Act, and fees paid to the speech pathology and  
12 audiology fund are allocated to the committee for that purpose.

13       (c) Funds shall be appropriated to the department for the  
14 implementation of this Act, said funds coming from the General  
15 Revenue Fund for the first year.

16       Sec. 21. REVENUE. The department shall report to the state  
17 comptroller at the beginning of each month the amount and source of  
18 all revenue received by it during the preceding month, and at that  
19 time shall pay the entire amount thereof into the speech pathology  
20 and audiology fund.

21       Sec. 22. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The  
22 provisions of Chapter 95, Acts of the 51st Legislature, Regular  
23 Session, 1949, as amended (Article 4590c, Vernon's Texas Civil  
24 Statutes), do not apply to audiologists or speech pathologists duly  
25 qualified and licensed under this Act who confine their activity to  
26 the areas specified in this Act.

1           Sec. 23. SUNSET PROVISION. Unless reenacted, the provisions  
2 of this Act shall be without effect after August 31, 1987.

3           Sec. 24. POWERS AND DUTIES OF THE DEPARTMENT. All duties,  
4 powers, and authority conferred on the committee by this Act and  
5 all practices and procedures of the committee are subject to the  
6 supervision and approval of the board, which shall have the powers  
7 necessary to prescribe and promulgate rules as the board deems  
8 reasonable and necessary to supervise and control the duties,  
9 powers, authority, practices, and procedures of the committee.

10          Sec. 25. ARTICLE       4590f,       VERNON'S       TEXAS       CIVIL  
11 STATUTES. Nothing in this Act shall be construed as conflicting in  
12 any manner with the provisions of Article 4590f, Vernon's Texas  
13 Civil Statutes, but if any provision of this Act does conflict with  
14 Article 4590f, the provisions of Article 4590f will prevail.

15          Sec. 26. EFFECTIVE DATE. This Act is effective January 1,  
16 1978.

17          Sec. 27. SEVERABILITY. If any portion of this Act or the  
18 application thereof to any person, case, or circumstance is held  
19 invalid, such invalidity shall not affect other provisions or  
20 application of the Act which can be given effect without the  
21 invalid provision or application, and this end the provisions of  
22 this Act are declared to be severable.

23          Sec. 28. EMERGENCY. The importance of this legislation and  
24 the crowded condition of the calendars in both houses create an  
25 emergency and an imperative public necessity that the  
26 constitutional rule requiring bills to be read on three several



S.B. No. 440

1 days in each house be suspended, and this rule is hereby suspended.

S.B. No. 440

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 440 passed the senate on March 24, 1977, by the following vote: Yeas 23, Nays 7; May 28, 1977, senate concurred in house amendments by a viva-voce vote; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 440 passed the house, with amendments, on May 26, 1977, by the following vote: Yeas 99, Nays 35, one present not voting; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

I, Bob Bullock, Comptroller of Public Accounts, do hereby certify that the amounts appropriated in the herein S.B. No. 440, Regular Session, 65th Legislature are within the amount estimated to be available in the affected fund.

Certified 6-6, 1977.

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
.....10:00 AM..... O'CLOCK

\_\_\_\_\_  
Comptroller of Public Accounts

JUN 18 1977

*Mark White*  
.....  
Secretary of State

*Filed w/o signature (vetoed)*

# PROCLAMATION

BY THE

## Governor of the State of Texas

41-1620

TO ALL TO WHOM THESE PRESENTS SHALL COME:

June 17, 1977

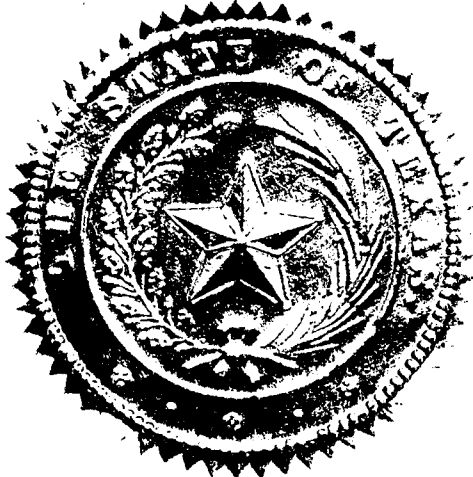
As provided under the provisions of Section 14, Article IV of the Constitution of the State of Texas, I disapprove of S.B. 440 and am filing same with the Secretary of State setting forth the following objections:

I disapprove of Senate Bill No. 440 which would license and regulate speech pathologists and audiologists.

My concern for controlling the size and expense of state government requires that a bill creating a new state agency, in this case the State Committee of Examiners for Speech Pathology and Audiology, be necessary to correct an abuse. I believe that any abuses that exist within the fields of speech pathology and audiology are not of the degree that require the creation of a new regulatory state agency.

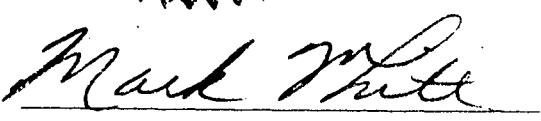
I doubt whether S.B. 440 would, if signed into law, adequately control any existing abuses in these fields since numerous exemptions from coverage are in the bill, and very few persons would be covered.

Currently, the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids is the state licensing agency in this field, and no abuse of their function has been demonstrated.

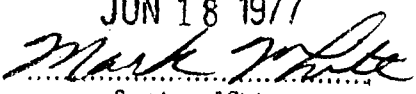


IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State of Texas to be affixed hereto at Austin, Texas, the 17th day of June, 1977.

  
DOLPH BRISCOE  
Governor of Texas

  
MARK WHITE  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
.....10:00 A.M. O'CLOCK

JUN 18 1977  
  
Secretary of State

relating to the licensing and regulation of speech  
ologists and audiologists; providing penalties.

Filed with the Secretary of the Senate

FEB 1 1977 Read, referred to Committee on HUMAN RESOURCES

Reported favorably.

MAR 10 1977 Reported adversely, with favorable Committee Substitute; Committee Substitute  
read first time.

MAR 23 1977 Ordered not printed.  
Senate and Constitutional Rules to permit consideration suspended by  
{ unanimous consent.  
21 yeas, 8 nays.

To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAR 23 1977 Read second time amended and { ordered engrossed.  
~~passed to third reading~~

Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays to place bill on third reading and final passage.

MAR 24 1977 Rules suspended  
MAR 24 1977 Read third time and passed by { a viva-voce vote.  
23 yeas, 7 nays.

OTHER ACTION:

Betty King  
Secretary of the Senate

MAY 26 1977

READ 3RD TIME AND FINALLY PASSED

my record vote  
99 yeas 35 nays 1 prv

RETURNED TO SENATE MAY 27 1977

MAY 27 1977 RETURNED with amendments  
FROM HOUSE

Mar. 24, 1977 Engrossed

Mar. 28, 1977 Sent to HO

ENGROSSING CLERK

MAR 28 1977

Received from  
the Senate

Betty Murrey  
Chief Clerk, House of Representatives

READ 1st TIME  
AND REFERRED TO COMMITTEE ON

MAR 28 1977

Reported favorably  
as substituted

APR 26 1977

Sent to Printer 1:30 pm

MAY 6 1977

MAY 9 1977

Printed And Distributed 9:11 am

MAY 9 1977

Sent To Committee On Calendars 11:05 am

MAY 25 1977

Read Second Time amended and passed to  
third reading by vote yes no  
no record

Unanimous consent granted to amend  
caption of Senate Bill No. 440 to  
conform to body of bill.

Passed, subject to Sec. 49A,  
Art. 3, Constitution of Texas

MAY 28 1977

Senate concurred in House amend-  
ments by viva voce vote.

1977 MAY -9 AM 9:11

HOUSE OF REPRESENTATIVES

Hamilton, New York